



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House Amendment 1365

PAG LIN

1 1 Amend the amendment, H=1264, to House File 392 as
1 2 follows:
1 3 #1. Page 1, by striking lines 29 through 31 and
1 4 inserting:
1 5 <b. A license fee for a combined license shall be
1 6 the sum total of each of the separate license fees
1 7 reduced by thirty percent.>
1 8 #2. Page 1, by striking lines 32 through 40 and
1 9 inserting:
1 10 <____. Page 2, by striking lines 14 through 17 and
1 11 inserting:
1 12 <NEW SUBSECTION. 6. For calendar years 2011 and
1 13 2012 the fee for an initial apprentice and an initial
1 14 journeyman license is fifty dollars.
1 15 NEW SUBSECTION. 7. For calendar years 2011 and
1 16 2012 the fee for an initial master license is one
1 17 hundred twenty-five dollars.
1 18 NEW SUBSECTION. 8. The renewal fee shall be waived
1 19 for all licenses renewed from January 1, 2011, through
1 20 December 31, 2012. For any initial license issued
1 21 in 2011 prior to the effective date of this Act, the
1 22 licensee shall be refunded the difference between
1 23 the fee paid for such initial license and the fees
1 24 specified in subsections 6 and 7. For any licenses
1 25 renewed in 2011 prior to the effective date of this
1 26 Act, the licensee shall be refunded the entire license
1 27 renewal fee paid. >>
1 28 #3. Page 1, after line 44 by inserting:
1 29 <NEW SUBSECTION. 10. The board shall waive all
1 30 renewal fees for all licenses that have an expiration
1 31 date from January 1, 2011, through December 31, 2012.>
1 32 #4. Page 2, by striking lines 20 and 21 and
1 33 inserting <after expiration of the licensing term to
1 34 complete all requirements necessary for license renewal
1 35 without penalty.>
1 36 #5. By renumbering as necessary.

PETTENGILL of Benton

QUIRK of Chickasaw

KAUFMANN of Cedar
H1264.1621 (1) 84
jr/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House Amendment 1366

PAG LIN

1 1 Amend House File 586 as follows:
1 2 #1. Page 3, after line 30 by inserting:
1 3 <Sec. _____. Section 260C.14, Code 2011, is amended
1 4 by adding the following new subsection:
1 5 NEW SUBSECTION. 23. Adopt rules to waive tuition
1 6 and mandatory fee charges for any student in good
1 7 standing who is a resident of Iowa; is under the age of
1 8 twenty=six, or under the age of thirty if the student
1 9 is a qualified veteran as defined in subsection 14; is
1 10 not a convicted felon as defined in section 910.15; and
1 11 meets the following criteria:
1 12 a. Is the child of a peace officer, as defined in
1 13 section 97A.1, who receives benefits under section
1 14 97A.6, subsection 5, or was killed in the line of duty
1 15 as determined by the board of trustees of the Iowa
1 16 department of public safety peace officers' retirement,
1 17 accident, and disability system in accordance with
1 18 section 97A.6, subsection 16.
1 19 b. Is the child of a police officer or a fire
1 20 fighter, as defined in section 411.1, who receives
1 21 benefits under section 411.6, subsection 5, or
1 22 was killed in the line of duty as determined by
1 23 the statewide fire and police retirement system in
1 24 accordance with section 411.6, subsection 15.>
1 25 #2. Page 5, after line 22 by inserting:
1 26 <Sec. _____. Section 262.9, Code 2011, is amended by
1 27 adding the following new subsection:
1 28 NEW SUBSECTION. 36. Adopt rules that require the
1 29 institutions of higher education under its control
1 30 to waive tuition and mandatory fee charges for any
1 31 undergraduate student in good standing who is a
1 32 resident of Iowa; is under the age of twenty=six, or
1 33 under the age of thirty if the student is a qualified
1 34 veteran as defined in subsection 17; is not a convicted
1 35 felon as defined in section 910.15; and meets the
1 36 following criteria:
1 37 a. Is the child of a peace officer, as defined in
1 38 section 97A.1, who receives benefits under section
1 39 97A.6, subsection 5, or was killed in the line of duty
1 40 as determined by the board of trustees of the Iowa
1 41 department of public safety peace officers' retirement,
1 42 accident, and disability system in accordance with
1 43 section 97A.6, subsection 16.
1 44 b. Is the child of a police officer or a fire
1 45 fighter, as defined in section 411.1, who receives
1 46 benefits under section 411.6, subsection 5, or
1 47 was killed in the line of duty as determined by
1 48 the statewide fire and police retirement system in
1 49 accordance with section 411.6, subsection 15.>
1 50 #3. Page 6, after line 30 by inserting:



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House Amendment 1366 continued

2 1 <Sec. _____. EFFECTIVE UPON ENACTMENT AND
2 2 APPLICABILITY. The sections of this Act enacting
2 3 section 260C.14, subsection 23, and section 262.9,
2 4 subsection 36, being deemed of immediate importance,
2 5 take effect upon enactment and apply to tuition and
2 6 mandatory fees in effect on or after that date.>
2 7 #4. Title page, line 2, after <colleges> by
2 8 inserting <and the state board of regents and including
2 9 effective and applicability date provisions>
2 10 #5. By renumbering as necessary.

RUNNING=MARQUARDT of Linn
HF586.1615 (2) 84
kh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House Amendment 1367

PAG LIN

1 1 Amend Senate File 291, as passed by the Senate, as
1 2 follows:
1 3 #1. By striking everything after the enacting clause
1 4 and inserting:
1 5 <Section 1. Section 228.6, subsection 4, Code 2011,
1 6 is amended to read as follows:
1 7 4. a. Mental health information may be disclosed
1 8 in a civil or administrative proceeding in which
1 9 an individual eighteen years of age or older or an
1 10 individual's legal representative or, in the case of
1 11 a deceased individual, a party claiming or defending
1 12 through a beneficiary of the individual, offers the
1 13 individual's mental or emotional condition as an
1 14 element of a claim or a defense.
1 15 b. An alleged victim's mental health information
1 16 may be disclosed in a criminal proceeding pursuant to
1 17 section 622.10, subsection 3A.
1 18 Sec. 2. Section 622.10, Code 2011, is amended by
1 19 adding the following new subsection:
1 20 NEW SUBSECTION. 3A. a. Except as otherwise
1 21 provided in this subsection, the confidentiality
1 22 privilege under this section shall be absolute with
1 23 regard to a criminal action and this subsection shall
1 24 not be construed to authorize or require the disclosure
1 25 of any privileged records to a defendant in a criminal
1 26 action unless either of the following occur:
1 27 (1) The privilege holder voluntarily waives the
1 28 confidentiality privilege.
1 29 (2) (a) The defendant seeking access to an alleged
1 30 victim's privileged records under this subsection
1 31 files a motion with the court demonstrating a good
1 32 faith factual basis that the records sought contain
1 33 evidence relevant to the defendant's innocence. The
1 34 motion shall set forth specific facts establishing
1 35 a reasonable probability the records sought contain
1 36 exculpatory evidence tending to create a reasonable
1 37 doubt as to the defendant's guilt. The motion shall
1 38 also request the court to issue a subpoena requiring
1 39 the custodian of the records to produce the records
1 40 sought by the defendant under seal of the court. Such
1 41 a motion shall be filed not later than forty days after
1 42 arraignment. Failure of the defendant to timely file
1 43 such a motion constitutes a waiver of the right to seek
1 44 access to records under this subsection, except that
1 45 the court, for good cause shown, may grant relief from
1 46 such waiver.
1 47 (b) Within three working days of the filing of
1 48 the motion pursuant to subparagraph division (a),
1 49 the county attorney shall notify the alleged victim
1 50 that the defendant has made a request for the alleged



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House Amendment 1367 continued

2 1 victim's privileged records and shall, after conferring
2 2 with the alleged victim, provide the court with an
2 3 affidavit signed by the alleged victim stating that
2 4 the alleged victim either consents to or opposes the
2 5 disclosure of the records. If the alleged victim
2 6 consents to the disclosure, the court shall issue a
2 7 subpoena for the records to be produced under seal
2 8 of the court. If the alleged victim opposes the
2 9 disclosure, the court shall hold a hearing within ten
2 10 days of the filing of defendant's motion pursuant to
2 11 subparagraph division (a) to determine if a reasonable
2 12 probability exists that the records contain exculpatory
2 13 evidence tending to create a reasonable doubt as to the
2 14 defendant's guilt.

2 15 (c) If, after the hearing, the court determines
2 16 a reasonable probability exists that the privileged
2 17 records sought by the defendant contain exculpatory
2 18 evidence tending to create a reasonable doubt as to the
2 19 defendant's guilt, the court shall immediately issue
2 20 a subpoena for the records to be produced under seal
2 21 of the court.

2 22 (d) The defendant's attorney shall have the right
2 23 to inspect any privileged records produced pursuant to
2 24 the subpoena at the courthouse. However, prior to any
2 25 such inspection, the court shall issue a protective
2 26 order containing stringent nondisclosure provisions
2 27 prohibiting any attorney or county attorney who is
2 28 allowed to inspect or review the records under this
2 29 subsection from copying, disclosing, or disseminating
2 30 the information contained in the records to any person,
2 31 including the defendant, unless otherwise authorized in
2 32 this subsection or by the court.

2 33 (e) After the defendant's attorney has had the
2 34 opportunity to review and identify the specific
2 35 privileged records the defendant's attorney believes
2 36 contain exculpatory evidence, the defendant's attorney
2 37 shall file a motion under seal of the court designating
2 38 the specific records requested, summarizing the alleged
2 39 exculpatory evidence contained therein, and requesting
2 40 that the matter be set for hearing. Prior to the
2 41 hearing, the county attorney may review the designated
2 42 records at the courthouse, subject to the protective
2 43 order entered by the court pursuant to subparagraph
2 44 division (d).

2 45 (f) Within seven days of the filing of the
2 46 defendant's motion under subparagraph division (e),
2 47 the court shall hold a hearing to determine if the
2 48 designated privileged records contain exculpatory
2 49 evidence. The court shall give notice of the hearing
2 50 to the defendant's attorney and the county attorney.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House Amendment 1367 continued

3 1 If the court determines the designated records contain
3 2 exculpatory evidence, the court shall provide a copy of
3 3 any such records to the defendant's attorney and to the
3 4 county attorney. Prior to providing these records to
3 5 the defendant's attorney and the county attorney, the
3 6 court shall order that all nonexculpatory matters in
3 7 the records provided be redacted prior to the records
3 8 being removed from the courthouse and, unless otherwise
3 9 provided by the court, the records shall continue to be
3 10 subject to the protective order entered by the court
3 11 pursuant to subparagraph division (d).

3 12 (g) Before the defendant's attorney or the county
3 13 attorney may disclose the privileged records to a
3 14 third party, including potential expert witnesses, the
3 15 defendant's attorney or the county attorney shall first
3 16 obtain an order from the court allowing such disclosure
3 17 and requiring the person to whom the records are to be
3 18 disclosed be bound to the same nondisclosure provisions
3 19 imposed on the attorneys. A copy of the protective
3 20 order shall be given to the third party when the party
3 21 receives copies of the records.

3 22 b. The determination of whether either information
3 23 contained in the privileged records released pursuant
3 24 to this subsection or the privileged records themselves
3 25 meet the requirements for admission at trial under the
3 26 rules of evidence is a separate determination that the
3 27 court shall make at trial or in a ruling on a motion in
3 28 limine. If the court ultimately determines the records
3 29 are admissible, the court shall consider alternatives
3 30 to the introduction of the records as proffered,
3 31 which may include stipulations by the parties or the
3 32 introduction of redacted portions of the records.

3 33 c. Information derived from privileged records
3 34 obtained by any means other than as provided in
3 35 paragraph "a" shall not be admissible in any criminal
3 36 action.

3 37 d. All privileged records produced under seal
3 38 of the court pursuant to this subsection shall be
3 39 preserved for purposes of appeal. Upon completion of
3 40 the appeal, all persons who have copies of the records
3 41 shall destroy such copies and certify to the court that
3 42 the records in their possession have been destroyed.

3 43 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being
3 44 deemed of immediate importance, takes effect upon
3 45 enactment.>

WOLFE of Clinton
SF291.1541 (2) 84
rh/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House Amendment 1368

PAG LIN

1 1 Amend House File 517 as follows:

1 2 #1. By striking everything after the enacting clause
1 3 and inserting:

1 4 <Section 1. Section 561.13, Code 2011, is amended
1 5 to read as follows:

1 6 561.13 Conveyance or encumbrance.

1 7 1. A conveyance or encumbrance of, or contract
1 8 to convey or encumber the homestead, if the owner is
1 9 married, is not valid, unless and until the spouse of
1 10 the owner executes the same or a like instrument, or a
1 11 power of attorney for the execution of the same or a
1 12 like instrument, except as provided in subsection 3.
1 13 However, when the homestead is conveyed or encumbered
1 14 along with or in addition to other real estate, it is
1 15 not necessary to particularly describe or set aside the
1 16 tract of land constituting the homestead, whether the
1 17 homestead is exclusively the subject of the contract or
1 18 not, but the contract may be enforced as to real estate
1 19 other than the homestead at the option of the purchaser
1 20 or encumbrancer.

1 21 2. If a spouse who holds only homestead rights and
1 22 surviving spouse's statutory share in the homestead
1 23 specifically relinquishes homestead rights in an
1 24 instrument, including a power of attorney constituting
1 25 the other spouse as the husband's or wife's attorney in
1 26 fact, as provided in section 597.5, it is not necessary
1 27 for the spouse to join in the granting clause of the
1 28 same or a like instrument.

1 29 3. A conveyance or encumbrance or a contract to
1 30 convey or encumber the homestead is not invalid under
1 31 subsection 1 if any of the following apply:

1 32 a. The nonsigning spouse's interest is terminated
1 33 by a decree of dissolution of marriage or other order
1 34 of the court.

1 35 b. The nonsigning spouse's right of recovery is
1 36 barred by section 614.15.

1 37 c. The encumbrance is a purchase money mortgage as
1 38 defined in section 654.12B.

1 39 d. A court sitting in equity enters a decree
1 40 holding that invalidating the conveyance or encumbrance
1 41 or a contract to convey or encumber the homestead
1 42 would, directly or indirectly, unjustly enrich the
1 43 nonsigning spouse.

1 44 4. For the purposes of this section, "nonsigning
1 45 spouse" means a spouse who has not executed a
1 46 conveyance or encumbrance or a contract to convey or
1 47 encumber the homestead, the same or a like instrument,
1 48 or a power of attorney for the execution of the same or
1 49 a like instrument.>



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

rh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House Amendment 1369

PAG LIN

1 1 Amend House File 516 as follows:
1 2 #1. Page 1, by striking lines 30 through 35 and
1 3 inserting:
1 4 3. As used>
1 5 #2. By renumbering as necessary.

WAGNER of Linn

WITTNEBEN of Emmet
HF516.1618 (4) 84
aw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House Amendment 1370

PAG LIN

1 1 Amend House File 645 as follows:
1 2 #1. Page 16, after line 8 by inserting:
1 3 <Sec. _____. Section 260C.14, Code 2011, is amended
1 4 by adding the following new subsection:
1 5 NEW SUBSECTION. 23. Adopt rules to waive tuition
1 6 and mandatory fee charges for any student in good
1 7 standing who is a resident of Iowa; is under the age of
1 8 twenty=six, or under the age of thirty if the student
1 9 is a qualified veteran as defined in subsection 14; is
1 10 not a convicted felon as defined in section 910.15; and
1 11 meets the following criteria:
1 12 a. Is the child of a peace officer, as defined in
1 13 section 97A.1, who receives benefits under section
1 14 97A.6, subsection 5, or was killed in the line of duty
1 15 as determined by the board of trustees of the Iowa
1 16 department of public safety peace officers' retirement,
1 17 accident, and disability system in accordance with
1 18 section 97A.6, subsection 16.
1 19 b. Is the child of a police officer or a fire
1 20 fighter, as defined in section 411.1, who receives
1 21 benefits under section 411.6, subsection 5, or
1 22 was killed in the line of duty as determined by
1 23 the statewide fire and police retirement system in
1 24 accordance with section 411.6, subsection 15.>
1 25 #2. Page 19, after line 16 by inserting:
1 26 <Sec. _____. Section 262.9, Code 2011, is amended by
1 27 adding the following new subsection:
1 28 NEW SUBSECTION. 36. Adopt rules that require the
1 29 institutions of higher education under its control
1 30 to waive tuition and mandatory fee charges for any
1 31 undergraduate student in good standing who is a
1 32 resident of Iowa; is under the age of twenty=six, or
1 33 under the age of thirty if the student is a qualified
1 34 veteran as defined in subsection 17; is not a convicted
1 35 felon as defined in section 910.15; and meets the
1 36 following criteria:
1 37 a. Is the child of a peace officer, as defined in
1 38 section 97A.1, who receives benefits under section
1 39 97A.6, subsection 5, or was killed in the line of duty
1 40 as determined by the board of trustees of the Iowa
1 41 department of public safety peace officers' retirement,
1 42 accident, and disability system in accordance with
1 43 section 97A.6, subsection 16.
1 44 b. Is the child of a police officer or a fire
1 45 fighter, as defined in section 411.1, who receives
1 46 benefits under section 411.6, subsection 5, or
1 47 was killed in the line of duty as determined by
1 48 the statewide fire and police retirement system in
1 49 accordance with section 411.6, subsection 15.>
1 50 #3. Page 20, after line 30 by inserting:



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House Amendment 1370 continued

2 1 <Sec. _____. EFFECTIVE UPON ENACTMENT AND
2 2 APPLICABILITY. The sections of this Act enacting
2 3 section 260C.14, subsection 23, and section 262.9,
2 4 subsection 36, being deemed of immediate importance,
2 5 take effect upon enactment and apply to tuition and
2 6 mandatory fees in effect on or after that date.>
2 7 #4. Title page, line 5, after <matters> by inserting
2 8 <and effective and applicability date provisions>
2 9 #5. By renumbering as necessary.

RUNNING=MARQUARDT of Linn
HF645.1637 (1) 84
kh/tm



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House Amendment 1371

PAG LIN

1 1 Amend House File 618 as follows:
1 2 #1. Page 1, after line 15 by inserting:
1 3 <Sec. _____. Section 100C.4, Code 2011, is amended to
1 4 read as follows:
1 5 100C.4 Insurance and surety bond requirements.
1 6 1. A fire extinguishing system contractor
1 7 shall maintain general and complete operations
1 8 liability insurance and a surety bond for the
1 9 layout, installation, repair, alteration, addition,
1 10 maintenance, and inspection of automatic fire
1 11 extinguishing systems in an amount determined by the
1 12 state fire marshal by rule.
1 13 2. An alarm system contractor shall maintain
1 14 general and complete operations liability insurance and
1 15 a surety bond for the layout, installation, repair,
1 16 alteration, addition, maintenance, and inspection of
1 17 alarm systems in an amount determined by the state fire
1 18 marshal by rule.
1 19 3. The insurance policy and surety bond shall be
1 20 written by an entity licensed to do business in this
1 21 state and each licensee shall maintain on file with
1 22 the department a certificate evidencing the insurance
1 23 providing that the insurance or surety bond shall not
1 24 be canceled without the entity first giving fifteen
1 25 days written notice to the fire marshal.
1 26 Sec. _____. Section 100D.4, Code 2011, is amended to
1 27 read as follows:
1 28 100D.4 Insurance ~~and surety bond~~ requirements.
1 29 1. An applicant for a fire protection system
1 30 installer and maintenance worker license or renewal of
1 31 an active license shall provide evidence of a public
1 32 liability insurance policy ~~and surety bond~~ in an amount
1 33 determined sufficient by the fire marshal by rule.
1 34 2. If the applicant is engaged in fire protection
1 35 system installer and maintenance worker work
1 36 individually through a business conducted as a sole
1 37 proprietorship, the applicant shall personally obtain
1 38 the insurance ~~and surety bond~~ required by this section.
1 39 If the applicant is engaged in the fire protection
1 40 system installer and maintenance worker business
1 41 as an employee or owner of a legal entity, then the
1 42 insurance ~~and surety bond~~ required by this section
1 43 shall be obtained by the entity and shall cover all
1 44 fire protection system installer and maintenance worker
1 45 work performed by the entity.
1 46 3. The insurance ~~and surety bond~~ policy shall be
1 47 written by an entity licensed to do business in this
1 48 state and each licensee shall maintain on file with
1 49 the department a certificate evidencing the insurance
1 50 providing that the insurance ~~or surety bond~~ policy



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House Amendment 1371 continued

2 1 shall not be canceled without the entity first giving
2 2 fifteen days written notice to the fire marshal.>
2 3 #2. Title page, line 2, after <installers,> by
2 4 inserting <fire protection system installers and
2 5 maintenance workers,>

PETTENGILL of Benton
HF618.1636 (1) 84
rn/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House Amendment 1372

PAG LIN

- 1 1 Amend House File 467 as follows:
- 1 2 #1. Page 1, by striking lines 1 through 26.
- 1 3 #2. By renumbering as necessary.

L. MILLER of Scott
HF467.1628 (2) 84
pf/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House Amendment 1373

PAG LIN

1 1 Amend House File 500 as follows:
1 2 #1. Page 1, line 19, after <chapter 17A.> by
1 3 inserting <The director shall ensure that all policies
1 4 and guidelines of the department for the administration
1 5 of the chapters listed in this paragraph shall be
1 6 adopted by rule.>
1 7 #2. Page 1, line 29, after <director> by inserting
1 8 <, in consultation with the natural resource
1 9 commission,>
1 10 #3. Page 2, after line 10 by inserting:
1 11 <d. The impact of the considerations included in
1 12 paragraphs "a" through "c" on the private sector.>
1 13 #4. Page 3, line 8, after <implemented.> by
1 14 inserting <The director shall not propose a rule
1 15 related to a federal regulation until the federal
1 16 regulation has received final approval by the
1 17 applicable federal agency.>
1 18 #5. Page 3, line 22, after <director> by inserting
1 19 <, in consultation with the environmental protection
1 20 commission,>
1 21 #6. Page 3, line 26, after <director> by inserting
1 22 <, in consultation with the environmental protection
1 23 commission,>
1 24 #7. Page 4, after line 8 by inserting:
1 25 <d. The impact of the considerations included in
1 26 paragraphs "a" through "c" on the private sector.>
1 27 #8. By renumbering as necessary.

SANDS of Louisa
HF500.1670 (1) 84
tm/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House Amendment 1374

PAG LIN

1 1 Amend House File 222 as follows:
1 2 #1. Page 1, before line 1 by inserting:
1 3 <Section 1. Section 68A.405, subsection 1,
1 4 paragraph b, Code 2011, is amended to read as follows:
1 5 b. (1) Except as set out in subsection 2,
1 6 published material, or automated telephone calls
1 7 designed to expressly advocate the nomination,
1 8 election, or defeat of a candidate for public office or
1 9 the passage or defeat of a ballot issue shall include
1 10 on the published material an attribution statement
1 11 disclosing who is responsible for the published
1 12 material.
1 13 (2) Automated telephone calls made by a person or
1 14 organization for the purpose of gathering information
1 15 about or to influence an election for a public office
1 16 shall include a disclaimer clearly identifying the name
1 17 of the caller, the name of the person or organization
1 18 funding the communication, and the name and telephone
1 19 number of an authorized person responsible for the
1 20 communication.
1 21 ~~(2)~~ (3) The person who is responsible for the
1 22 published material has the sole responsibility and
1 23 liability for the attribution statement required by
1 24 this section.>
1 25 #2. Title page, line 1, after <to> by inserting:
1 26 <require attribution statements for certain campaign
1 27 communications, and to>
1 28 #3. By renumbering as necessary.

ISENHART of Dubuque
HF222.1671 (2) 84
jr/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House Amendment 1375

PAG LIN

1 1 Amend House File 589 as follows:
1 2 #1. Page 4, line 19, by striking <a.> and inserting
1 3 <a. (1)>
1 4 #2. Page 4, line 21, by striking <(1)> and inserting
1 5 (a)>
1 6 #3. Page 4, line 23, by striking <(2)> and inserting
1 7 (b)>
1 8 #4. Page 4, line 26, by striking <b.> and inserting
1 9 <(2)>
1 10 #5. Page 4, line 28, by striking <paragraph "a"> and
1 11 inserting <subparagraph (1)>
1 12 #6. Page 4, after line 28 by inserting:
1 13 <(3) Subparagraphs (1) and (2) do not apply to an
1 14 animal shelter, a boarding kennel, a commercial kennel,
1 15 a pet shop, or a pound, all as defined in section
1 16 162.2.>
1 17 #7. Page 5, after line 33 by inserting:
1 18 <____. This section does not apply to an animal
1 19 shelter, a boarding kennel, a commercial kennel, a pet
1 20 shop, or a pound, all as defined in section 162.2.>
1 21 #8. By renumbering, redesignating, and correcting
1 22 internal references as necessary.

S. OLSON of Clinton
HF589.1674 (1) 84
da/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 648 - Introduced

HOUSE FILE
BY COMMITTEE ON
APPROPRIATIONS

(SUCCESSOR TO HSB 220)

A BILL FOR

1 An Act relating to and making, reducing, and transferring
2 appropriations to state departments and agencies from
3 the rebuild Iowa infrastructure fund, the technology
4 reinvestment fund, the revenue bonds capitals fund, and
5 other funds, providing for related matters and including
6 effective date provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1008HV (3) 84
rh/tm



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 648 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 REBUILD IOWA INFRASTRUCTURE FUND
1 3 Section 1. There is appropriated from the rebuild Iowa
1 4 infrastructure fund to the following departments and agencies
1 5 for the following fiscal years, the following amounts, or so
1 6 much thereof as is necessary, to be used for the purposes
1 7 designated:
1 8 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
1 9 a. For projects related to major repairs and major
1 10 maintenance for state buildings and facilities:
1 11 FY 2011=2012..... \$ 5,500,000
1 12 b. (1) For the restoration and maintenance of the Japanese
1 13 bell and bell house monument on the state capitol complex
1 14 grounds:
1 15 FY 2011=2012..... \$ 25,000
1 16 (2) Of the amount appropriated in this lettered paragraph,
1 17 \$15,000 shall be deposited in the monument maintenance account
1 18 established under section 8A.321, subsection 14. Moneys
1 19 deposited in the account pursuant to this subparagraph shall be
1 20 used by the department for the ongoing maintenance and repair
1 21 of the Japanese bell monument and surrounding gardens located
1 22 on the state capitol complex. The remaining \$10,000 shall be
1 23 used for the purchase of a plaque and site improvements. Any
1 24 moneys remaining from the \$10,000 after the purchase of the
1 25 plaque and site improvements shall be deposited in the monument
1 26 maintenance account and shall not revert but shall remain
1 27 available indefinitely in the account and be available for the
1 28 uses identified in this lettered paragraph.
1 29 c. For repair, replacement, and refurbishing of exterior
1 30 granite wall panels, skylights, exterior sealant, and related
1 31 exterior improvements of the state historical building:
1 32 FY 2011=2012..... \$ 1,200,000
1 33 d. For infrastructure improvements, including fire safety
1 34 and security systems, in the secretary of state offices in the
1 35 Lucas state office building:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 648 - Introduced continued

2 1 FY 2011=2012..... \$ 45,000
2 2 2. DEPARTMENT FOR THE BLIND
2 3 For replacement of air handlers and related improvements:
2 4 FY 2011=2012..... \$ 1,065,674
2 5 3. DEPARTMENT OF CORRECTIONS
2 6 a. For the construction project and one=time furniture,
2 7 fixture, and equipment costs at Fort Madison:
2 8 FY 2011=2012..... \$ 7,155,077
2 9 FY 2012=2013..... \$ 16,269,124
2 10 FY 2013=2014..... \$ 3,000,000
2 11 b. For the construction project and one=time equipment
2 12 costs at the Iowa correctional facility for women at
2 13 Mitchellville:
2 14 FY 2011=2012..... \$ 5,861,556
2 15 FY 2012=2013..... \$ 2,891,062
2 16 FY 2013=2014..... \$ 26,769,040
2 17 4. DEPARTMENT OF ECONOMIC DEVELOPMENT
2 18 For accelerated career education program capital projects at
2 19 community colleges that are authorized under chapter 260G and
2 20 that meet the definition of vertical infrastructure in section
2 21 8.57, subsection 6, paragraph "c":
2 22 FY 2011=2012..... \$ 5,000,000
2 23 5. DEPARTMENT OF EDUCATION
2 24 To the public broadcasting division for the purchase of a
2 25 building in the city of Johnston:
2 26 FY 2011=2012..... \$ 1,255,550
2 27 6. DEPARTMENT OF NATURAL RESOURCES
2 28 a. For floodplain management and dam safety,
2 29 notwithstanding section 8.57, subsection 6, paragraph "c":
2 30 FY 2011=2012..... \$ 2,000,000
2 31 Of the amounts appropriated in this lettered paragraph,
2 32 up to \$400,000 is authorized for stream gages to be used
2 33 for tracking and predicting flood events and for compiling
2 34 necessary data relating to flood frequency analysis.
2 35 b. For implementation of lake projects that have



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 648 - Introduced continued

3 1 established watershed improvement initiatives and community
3 2 support in accordance with the department's annual lake
3 3 restoration plan and report, notwithstanding section 8.57,
3 4 subsection 6, paragraph "c":
3 5 FY 2011=2012..... \$ 8,600,000
3 6 7. DEPARTMENT OF PUBLIC DEFENSE
3 7 a. For major maintenance projects at national guard
3 8 armories and facilities:
3 9 FY 2011=2012..... \$ 2,000,000
3 10 b. For renovation and facility improvements at the
3 11 Muscatine readiness center:
3 12 FY 2011=2012..... \$ 100,000
3 13 c. For construction improvement projects at statewide
3 14 readiness centers:
3 15 FY 2011=2012..... \$ 1,800,000
3 16 d. For construction upgrades at Camp Dodge:
3 17 FY 2011=2012..... \$ 1,000,000
3 18 e. For renovation, repair, and related improvements at the
3 19 joint force headquarters building:
3 20 FY 2011=2012..... \$ 1,000,000
3 21 8. BOARD OF REGENTS
3 22 a. For allocation by the state board of regents to the
3 23 state university of Iowa, the Iowa state university of
3 24 science and technology, and the university of northern Iowa to
3 25 reimburse the institutions for deficiencies in the operating
3 26 funds resulting from the pledging of tuition, student fees
3 27 and charges, and institutional income to finance the cost of
3 28 providing academic and administrative buildings and facilities
3 29 and utility services at the institutions, notwithstanding
3 30 section 8.57, subsection 6, paragraph "c":
3 31 FY 2011=2012..... \$ 24,305,412
3 32 b. For the Iowa flood center at the state university of Iowa
3 33 for use by the university's college of engineering, pursuant
3 34 to section 466C.1, notwithstanding section 8.57, subsection 6,
3 35 paragraph "c":



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 648 - Introduced continued

4 1 FY 2011=2012..... \$ 1,300,000
4 2 c. For fire, safety and other major maintenance projects at
4 3 the regents institutions:
4 4 FY 2011=2012..... \$ 4,000,000
4 5 d. For construction, renovation, and related improvements
4 6 for phase II of the agricultural and biosystems engineering
4 7 complex, including classrooms, laboratories, and offices at
4 8 Iowa state university of science and technology:
4 9 FY 2011=2012..... \$ 4,000,000
4 10 FY 2012=2013..... \$ 22,000,000
4 11 FY 2013=2014..... \$ 22,000,000
4 12 FY 2014=2015..... \$ 12,400,000
4 13 e. For the renovation and related improvements to the dental
4 14 science building at the state university of Iowa including but
4 15 not limited to renovation of clinical spaces and development of
4 16 a multidisciplinary clinical area:
4 17 FY 2011=2012..... \$ 3,000,000
4 18 FY 2012=2013..... \$ 14,000,000
4 19 FY 2013=2014..... \$ 10,000,000
4 20 FY 2014=2015..... \$ 2,000,000
4 21 f. For renovation and related improvements for Bartlett
4 22 hall at the university of northern Iowa including providing
4 23 faculty offices, seminar rooms, and laboratories in the
4 24 building and the associated demolition of Baker hall:
4 25 FY 2011=2012..... \$ 3,000,000
4 26 FY 2012=2013..... \$ 9,808,000
4 27 FY 2013=2014..... \$ 8,192,000
4 28 9. DEPARTMENT OF TRANSPORTATION
4 29 a. For acquiring, constructing, and improving recreational
4 30 trails within the state:
4 31 FY 2011=2012..... \$ 2,000,000
4 32 b. For deposit into the public transit infrastructure
4 33 grant fund created in section 324A.6A, for projects that meet
4 34 the definition of "vertical infrastructure" in section 8.57,
4 35 subsection 6, paragraph "c":



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 648 - Introduced continued

5 1 FY 2011=2012..... \$ 2,000,000
5 2 c. For infrastructure improvements at the commercial
5 3 service airports within the state:
5 4 FY 2011=2012..... \$ 1,500,000
5 5 d. For infrastructure improvements at general aviation
5 6 airports within the state:
5 7 FY 2011=2012..... \$ 750,000
5 8 10. TREASURER OF STATE
5 9 For distribution in accordance with chapter 174 to qualified
5 10 fairs which belong to the association of Iowa fairs for county
5 11 fair infrastructure improvements:
5 12 FY 2011=2012..... \$ 1,060,000
5 13 11. DEPARTMENT OF VETERANS AFFAIRS
5 14 a. For transfer to the Iowa finance authority for the
5 15 continuation of the home ownership assistance program for
5 16 persons who are or were eligible members of the armed forces of
5 17 the United States, pursuant to section 16.54, notwithstanding
5 18 section 8.57, subsection 6, paragraph "c":
5 19 FY 2011=2012..... \$ 1,000,000
5 20 b. For the Iowa veterans home to upgrade generator emissions
5 21 controls to meet required stack emissions for four generators
5 22 and related improvements:
5 23 FY 2011=2012..... \$ 750,000
5 24 Sec. 2. REVERSION. For purposes of section 8.33, unless
5 25 specifically provided otherwise, unencumbered or unobligated
5 26 moneys made from an appropriation in this division of this Act
5 27 shall not revert but shall remain available for expenditure for
5 28 the purposes designated until the close of the fiscal year that
5 29 ends three years after the end of the fiscal year for which the
5 30 appropriation is made. However, if the project or projects for
5 31 which such appropriation was made are completed in an earlier
5 32 fiscal year, unencumbered or unobligated moneys shall revert at
5 33 the close of that same fiscal year.
5 34 DIVISION II
5 35 TECHNOLOGY REINVESTMENT FUND



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 648 - Introduced continued

6 1 Sec. 3. There is appropriated from the technology
6 2 reinvestment fund created in section 8.57C to the following
6 3 departments and agencies for the following fiscal years, the
6 4 following amounts, or so much thereof as is necessary, to be
6 5 used for the purposes designated:
6 6 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
6 7 For technology improvement projects:
6 8 FY 2011=2012..... \$ 1,643,728
6 9 2. DEPARTMENT OF CORRECTIONS
6 10 For costs associated with the Iowa corrections offender
6 11 network data system:
6 12 FY 2011=2012..... \$ 500,000
6 13 3. DEPARTMENT OF EDUCATION
6 14 a. For maintenance and lease costs associated with
6 15 connections for part III of the Iowa communications network:
6 16 FY 2011=2012..... \$ 2,727,000
6 17 b. For the implementation of an educational data warehouse
6 18 that will be utilized by teachers, parents, school district
6 19 administrators, area education agency staff, department of
6 20 education staff, and policymakers:
6 21 FY 2011=2012..... \$ 600,000
6 22 The department may use a portion of the moneys appropriated
6 23 in this lettered paragraph for an e=transcript data system
6 24 capable of tracking students throughout their education via
6 25 interconnectivity with multiple schools.
6 26 4. DEPARTMENT OF HUMAN RIGHTS
6 27 For the cost of equipment and computer software for the
6 28 implementation of Iowa's criminal justice information system:
6 29 FY 2011=2012..... \$ 1,689,307
6 30 5. DEPARTMENT OF HUMAN SERVICES
6 31 To be used for medical contracts under the medical
6 32 assistance program for technology upgrades necessary to support
6 33 Medicaid claims and other health operations, worldwide HIPAA
6 34 claims transactions and coding requirements, and the Iowa
6 35 automated benefits calculation system:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 648 - Introduced continued

7 1 FY 2011=2012..... \$ 3,494,176
7 2 FY 2012=2013..... \$ 4,667,600
7 3 FY 2013=2014..... \$ 4,267,600
7 4 FY 2014=2015..... \$ 1,945,684
7 5 6. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION
7 6 For replacement of equipment for the Iowa communications
7 7 network:
7 8 FY 2011=2012..... \$ 2,248,653
7 9 The commission may continue to enter into contracts pursuant
7 10 to section 8D.13 for the replacement of equipment and for
7 11 operation and maintenance costs of the network.
7 12 In addition to funds appropriated in this subsection, the
7 13 commission may use a financing agreement entered into by the
7 14 treasurer of state in accordance with section 12.28 for the
7 15 replacement of equipment for the network. For purposes of
7 16 this subsection, the treasurer of state is not subject to
7 17 the maximum principal limitation contained in section 12.28,
7 18 subsection 6. Repayment of any amounts financed shall be made
7 19 from receipts associated with fees charged for use of the
7 20 network.
7 21 7. DEPARTMENT OF MANAGEMENT
7 22 To develop a searchable database that can be placed on the
7 23 internet for budget and financial information:
7 24 FY 2011=2012..... \$ 600,000
7 25 8. DEPARTMENT OF PUBLIC SAFETY
7 26 For the provision of radio communications upgrades and
7 27 digital radio conversions:
7 28 FY 2011=2012..... \$ 3,500,000
7 29 FY 2012=2013..... \$ 5,500,000
7 30 FY 2013=2014..... \$ 3,500,000
7 31 Of the amounts appropriated in this subsection, the
7 32 department of public safety shall work with the departments
7 33 of corrections and natural resources to accomplish the radio
7 34 communications upgrades and digital radio conversions.
7 35 Sec. 4. REVERSION. For purposes of section 8.33, unless



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 648 - Introduced continued

8 1 specifically provided otherwise, unencumbered or unobligated
8 2 moneys made from an appropriation in this division of this Act
8 3 shall not revert but shall remain available for expenditure for
8 4 the purposes designated until the close of the fiscal year that
8 5 ends three years after the end of the fiscal year for which the
8 6 appropriation is made. However, if the project or projects for
8 7 which such appropriation was made are completed in an earlier
8 8 fiscal year, unencumbered or unobligated moneys shall revert at
8 9 the close of that same fiscal year.

8 10 DIVISION III

8 11 REVENUE BONDS CAPITALS

8 12 FUND ==== APPROPRIATIONS

8 13 Sec. 5. There is appropriated from the revenue bonds
8 14 capitals fund created in section 12.88, to the department of
8 15 corrections for the fiscal year beginning July 1, 2011, and
8 16 ending June 30, 2012, the following amount, or so much thereof
8 17 as is necessary, to be used for the purposes designated:

8 18 For the construction project and one-time equipment costs at
8 19 the Iowa correctional facility for women at Mitchellville:
8 20 \$ 4,130,952

8 21 DIVISION IV

8 22 MISCELLANEOUS CODE CHANGES

8 23 Sec. 6. Section 8.57, subsection 6, paragraph f, Code 2011,
8 24 is amended to read as follows:

8 25 f. There is appropriated from the rebuild Iowa
8 26 infrastructure fund to the secure an advanced vision for
8 27 education fund created in section 423F.2, for each fiscal
8 28 year of the fiscal period beginning July 1, 2008, and ending
8 29 June 30, 2010, ~~and for each fiscal year of the fiscal period~~
~~8 30 beginning July 1, 2011, and ending June 30, 2014,~~ the amount of
8 31 the moneys in excess of the first forty-seven million dollars
8 32 credited to the rebuild Iowa infrastructure fund during the
8 33 fiscal year, not to exceed ten million dollars.

8 34 Sec. 7. Section 8.57A, subsection 4, Code 2011, is amended
8 35 to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 648 - Introduced continued

9 1 4. a. There is appropriated from the rebuild Iowa
9 2 infrastructure fund for the fiscal ~~years~~ year beginning July
9 3 ~~1, 2008, July 1, 2009, and July 1, 2011~~ 2013, and for each
9 4 fiscal year thereafter, the sum of forty=two million dollars
9 5 to the environment first fund, notwithstanding section 8.57,
9 6 subsection 6, paragraph "c".
9 7 b. There is appropriated from the rebuild Iowa
9 8 infrastructure fund each fiscal year for the ~~fiscal year~~ period
9 9 beginning July 1, 2010, and ending June 30, ~~2011~~ 2013, the sum
9 10 of thirty=three million dollars to the environment first fund,
9 11 notwithstanding section 8.57, subsection 6, paragraph "c".
9 12 Sec. 8. Section 8.57C, subsection 3, paragraphs a and c,
9 13 Code 2011, are amended to read as follows:
9 14 a. There is appropriated from the general fund of the state
9 15 for the fiscal ~~years~~ year beginning ~~July 1, 2006, July 1,~~
9 16 ~~2007, July 1, 2011~~ 2012, and for each subsequent fiscal year
9 17 thereafter, the sum of seventeen million five hundred thousand
9 18 dollars to the technology reinvestment fund.
9 19 c. There is appropriated from the rebuild Iowa
9 20 infrastructure fund for the fiscal year beginning July 1, 2010,
9 21 and ending June 30, 2011, the sum of ten million dollars to the
9 22 technology reinvestment fund, notwithstanding section 8.57,
9 23 subsection 6, paragraph "c".
9 24 Sec. 9. Section 8.57C, subsection 3, Code 2011, is amended
9 25 by adding the following new paragraph:
9 26 NEW PARAGRAPH. d. There is appropriated from the rebuild
9 27 Iowa infrastructure fund for the fiscal year beginning July 1,
9 28 2011, and ending June 30, 2012, the sum of seventeen million
9 29 dollars to the technology reinvestment fund, notwithstanding
9 30 section 8.57, subsection 6, paragraph "c".
9 31 Sec. 10. Section 12.82, Code 2011, is amended by adding the
9 32 following new subsection:
9 33 NEW SUBSECTION. 3A. Any amounts remaining in the school
9 34 infrastructure fund at the end of the fiscal year beginning
9 35 July 1, 2010, and for each fiscal year thereafter shall be



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 648 - Introduced continued

10 1 transferred to the rebuild Iowa infrastructure fund.

10 2 Sec. 11. Section 15F.204, subsection 8, paragraph b, Code
10 3 2011, is amended by striking the paragraph.

10 4 Sec. 12. Section 16.181A, subsection 1, Code 2011, is
10 5 amended to read as follows:

10 6 1. There is appropriated from the rebuild Iowa
10 7 infrastructure fund to the Iowa finance authority for deposit
10 8 in the housing trust fund created in section 16.181, for the
10 9 fiscal year ~~beginning July 1, 2009, and beginning July 1, 2011~~
~~10 10 2013~~, and for each succeeding fiscal year, the sum of three
10 11 million dollars.

10 12 Sec. 13. Section 16.193, subsection 2, Code 2011, is amended
10 13 to read as follows:

10 14 2. ~~During the term of the Iowa jobs program established~~
~~10 15 in section 16.194 and the Iowa jobs II program established~~
~~10 16 in section 16.194A~~ For the period beginning July 1, 2009,
10 17 and ending June 30, 2011, two hundred thousand dollars of
10 18 the moneys deposited in the rebuild Iowa infrastructure
10 19 fund shall be allocated each fiscal year to the Iowa finance
10 20 authority for purposes of administering the Iowa jobs program,
10 21 notwithstanding section 8.57, subsection 6, paragraph "c".

10 22 Sec. 14. EFFECTIVE UPON ENACTMENT. The section of this
10 23 division amending section 12.82, being deemed of immediate
10 24 importance, takes effect upon enactment.

10 25 DIVISION V

10 26 CHANGES TO PRIOR APPROPRIATIONS

10 27 Sec. 15. 2006 Iowa Acts, chapter 1179, section 18, is
10 28 amended by adding the following new subsection:

10 29 NEW SUBSECTION. 4. Except for the allocation to Des Moines
10 30 area community college and notwithstanding section 8.33, moneys
10 31 appropriated from the endowment for Iowa's health restricted
10 32 capitals fund for the fiscal year beginning July 1, 2006, and
10 33 ending June 30, 2007, in this division of this Act to the
10 34 department of public safety for allocation to the division of
10 35 fire protection that remain unencumbered or unobligated at the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 648 - Introduced continued

11 1 close of the fiscal year shall not revert but shall remain
11 2 available for expenditure for the purposes designated until
11 3 the close of the fiscal year beginning July 1, 2011, or until
11 4 the project for which appropriated is completed, whichever is
11 5 earlier.

11 6 Sec. 16. 2008 Iowa Acts, chapter 1179, section 1, subsection
11 7 13, paragraph c, as amended by 2009 Iowa Acts, chapter 184,
11 8 section 22, is amended by striking the paragraph.

11 9 Sec. 17. 2008 Iowa Acts, chapter 1179, section 7, as amended
11 10 by 2009 Iowa Acts, chapter 173, section 21, and 2010 Iowa Acts,
11 11 chapter 1184, section 58, is amended to read as follows:

11 12 SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is

11 13 appropriated from the rebuild Iowa infrastructure fund to

11 14 the department of economic development for the designated

11 15 fiscal years the following amounts, or so much thereof as is

11 16 necessary, to be used for the purposes designated:

11 17 For deposit into the river enhancement community attraction
11 18 and tourism fund created in 2008 Iowa Acts, Senate File 2430,
11 19 if enacted:

11 20 FY 2009=2010 \$ 0

11 21 FY 2010=2011..... \$ 0

11 22 FY 2011=2012 \$ 10,000,000

11 23 0

11 24 FY 2012=2013 \$ 10,000,000

11 25 0

11 26 ~~Notwithstanding section 8.33, moneys appropriated in this~~
~~11 27 section for the fiscal year beginning July 1, 2011, and ending~~
~~11 28 June 30, 2012, shall not revert at the close of the fiscal year~~
~~11 29 for which they are appropriated but shall remain available~~
~~11 30 for the purpose designated until the close of the fiscal year~~
~~11 31 that begins July 1, 2014, or until the project for which the~~
~~11 32 appropriation was made is completed, whichever is earlier.~~

11 33 ~~Notwithstanding section 8.33, moneys appropriated in this~~
~~11 34 section for the fiscal year beginning July 1, 2012, and ending~~
~~11 35 June 30, 2013, shall not revert at the close of the fiscal year~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

~~House File 648 - Introduced continued~~

~~12 1 for which they are appropriated but shall remain available~~
~~12 2 for the purpose designated until the close of the fiscal year~~
~~12 3 that begins July 1, 2015, or until the project for which the~~
~~12 4 appropriation was made is completed, whichever is earlier.~~
12 5 Sec. 18. 2009 Iowa Acts, chapter 184, section 1, subsection
12 6 12, paragraph a, as amended by 2010 Iowa Acts, chapter 1184,
12 7 section 71, is amended to read as follows:
12 8 a. For deposit in the passenger rail service revolving
12 9 fund created in section 327J.2, notwithstanding section 8.57,
12 10 subsection 6, paragraph "c":
12 11 \$ 3,000,000
12 12 302,007
12 13 Sec. 19. 2010 Iowa Acts, chapter 1184, section 2, subsection
12 14 3, is amended to read as follows:
12 15 3. DEPARTMENT OF TRANSPORTATION
12 16 For deposit into the passenger rail service revolving
12 17 fund created in section 327J.2 for matching federal funding
12 18 available through the federal Passenger Rail Investment
12 19 and Improvement Act of 2008 for passenger rail service,
12 20 notwithstanding section 8.57, subsection 6, paragraph "c":
12 21 FY 2011=2012..... \$ 6,500,000
12 22 0
12 23 ~~It is the intent of the general assembly to fund up to~~
~~12 24 \$20 million over a four-year period to fully fund the state~~
~~12 25 commitment for matching federal funding available through the~~
~~12 26 federal Passenger Rail Investment and Improvement Act of 2008.~~
12 27 Sec. 20. 2010 Iowa Acts, chapter 1184, section 10,
12 28 subsection 8, is amended to read as follows:
12 29 8. TREASURER OF STATE
12 30 For transfer to the watershed improvement review board
12 31 created in section 466A.3 for grants associated with the
~~12 32 construction and restoration of wetland easements and flood~~
~~12 33 prevention watershed improvement projects:~~
12 34 \$ 2,000,000
12 35 Notwithstanding section 466A.5, moneys from the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 648 - Introduced continued

13 1 appropriation in this subsection shall not be used for
13 2 administrative purposes.

13 3 Sec. 21. 2010 Iowa Acts, chapter 1184, section 14, is
13 4 amended to read as follows:

13 5 SEC. 14. There is appropriated from the ~~FY 2009 prison~~
~~13 6 bonding fund created pursuant to section 12.79~~ rebuild Iowa
13 7 infrastructure fund to the department of corrections for the
13 8 fiscal year beginning July 1, 2010, and ending June 30, 2011,
13 9 the following amount, or so much thereof as is necessary, to be
13 10 used for the purpose designated, notwithstanding section 8.57,
13 11 subsection 6, paragraph "c":

13 12 ~~For costs associated with the building of a new Iowa State~~
~~13 13 penitentiary at Fort Madison~~ project management costs at Fort
13 14 Madison and Mitchellville prisons, associated with construction
13 15 projects at the department:

13 16 \$ 322,500

13 17 ~~The appropriation made in this section constitutes approval~~
~~13 18 by the general assembly for the issuance of bonds by the~~
~~13 19 treasurer of state pursuant to section 12.80.~~

13 20 Sec. 22. 2010 Iowa Acts, chapter 1184, section 16, is
13 21 amended to read as follows:

13 22 SEC. 16. There is appropriated from the Iowa comprehensive
13 23 petroleum underground storage tank fund to the department of
13 24 transportation for the fiscal year beginning July 1, 2010, and
13 25 ending June 30, 2011, the following amount, or so much thereof
13 26 as is necessary, to be used for the purposes designated:

13 27 Notwithstanding section 455G.3, subsection 1, for deposit in
13 28 the passenger rail service revolving fund created in section
13 29 327J.2:

13 30 \$ 2,000,000

13 31 ~~Such funds shall be coupled with the remaining unobligated~~
~~13 32 balance of up to one million five hundred thousand dollars from~~
~~13 33 the appropriation made in 2009 Iowa Acts, chapter 184, section~~
~~13 34 1, subsection 12, paragraph "a", for a total commitment of~~
~~13 35 three million five hundred thousand dollars for the fiscal year~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

~~House File 648 - Introduced continued~~

~~14 1 beginning July 1, 2010, and ending June 30, 2011, for matching
14 2 federal funding available through the Passenger Rail Investment
14 3 and Improvement Act of 2008.~~

14 4 On the effective date of this section of this 2011 Iowa
14 5 Act, moneys appropriated in this section that are unobligated
14 6 or unencumbered on June 30, 2011, shall be transferred to the
14 7 rebuild Iowa infrastructure fund.

14 8 Sec. 23. 2010 Iowa Acts, chapter 1184, section 37, is
14 9 amended to read as follows:

14 10 SEC. 37. SITE DEVELOPMENT CONSULTATIONS APPROPRIATION.

14 11 There is appropriated from the school infrastructure fund
14 12 created in section 12.82 to the department of economic
14 13 development for the fiscal year beginning July 1, 2010, and
14 14 ending June 30, 2011, the following amount, or so much thereof
14 15 as is necessary, to be used for the purposes designated:

14 16 For providing site development consultations pursuant to
14 17 section 15E.18, including salaries, support, maintenance,
14 18 miscellaneous purposes, and for not more than the following
14 19 full-time equivalent positions, notwithstanding section 12.82,
14 20 subsection 1:

| | | |
|-------------|------|---------|
| 14 21 | \$ | 175,000 |
| 14 22 | FTEs | 1.00 |

14 23 Of the moneys appropriated to the department pursuant to
14 24 this section, the department may allocate up to \$75,000 for
14 25 purposes of contracting with third parties to provide site
14 26 development consultations.

14 27 Sec. 24. 2010 Iowa Acts, chapter 1184, section 39, is
14 28 amended to read as follows:

14 29 SEC. 39. BUSINESS ASSISTANCE INTERNET SITE APPROPRIATION.

14 30 There is appropriated from the school infrastructure fund
14 31 created in section 12.82 to the department of economic
14 32 development for the fiscal year beginning July 1, 2010, and
14 33 ending June 30, 2011, the following amount, or so much thereof
14 34 as is necessary, to be used for the purposes designated:

14 35 For purposes of creating a business assistance internet



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 648 - Introduced continued

15 1 site, notwithstanding section 12.82, subsection 1:
15 2 \$ 20,000
15 3 Sec. 25. 2010 Iowa Acts, chapter 1184, section 43, is
15 4 amended to read as follows:
15 5 SEC. 43. SAVE OUR SMALL BUSINESSES FUND APPROPRIATION.
15 6 There is appropriated from the school infrastructure fund
15 7 created in section 12.82 to the department of economic
15 8 development for deposit in the save our small businesses fund
15 9 for the fiscal year beginning July 1, 2010, and ending June 30,
15 10 2011, the following amount, or so much thereof as is necessary,
15 11 to be used for the purposes designated, notwithstanding section
15 12 12.82, subsection 1:
15 13 For purposes of providing financial assistance under the
15 14 save our small businesses program under section 15.301:
15 15 \$ 5,000,000
15 16 Of the moneys appropriated pursuant to this section, the
15 17 department may allocate an amount not to exceed two percent of
15 18 the moneys appropriated for purposes of retaining the services
15 19 of an organization designated pursuant to section 15.301,
15 20 subsection 2, paragraph "b".
15 21 Sec. 26. EFFECTIVE UPON ENACTMENT. This division of this
15 22 Act, being deemed of immediate importance, takes effect upon
15 23 enactment.
15 24 EXPLANATION
15 25 This bill relates to and makes, reduces, and transfers
15 26 appropriations to state departments and agencies from the
15 27 rebuild Iowa infrastructure fund, the technology reinvestment
15 28 fund, the revenue bonds capitals fund, and other funds, and
15 29 provides for related matters and effective dates.
15 30 DIVISION I ==== REBUILD IOWA INFRASTRUCTURE FUND
15 31 APPROPRIATIONS. This division appropriates project funding
15 32 for FY 2011=2012 from the rebuild Iowa infrastructure fund,
15 33 including projects for the departments of administrative
15 34 services, for the blind, corrections, economic development,
15 35 education, natural resources, public defense, transportation,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 648 - Introduced continued

16 1 and veterans affairs, and to the state board of regents and the
16 2 treasurer of state.

16 3 The division appropriates project funding for FY 2012=2013
16 4 from the rebuild Iowa infrastructure fund, including projects
16 5 for the department of corrections and the state board of
16 6 regents.

16 7 The division appropriates project funding for FY 2013=2014
16 8 from the rebuild Iowa infrastructure fund to the department of
16 9 corrections and to the state board of regents.

16 10 The division appropriates project funding for FY 2014=2015
16 11 from the rebuild Iowa infrastructure fund to the state board
16 12 of regents.

16 13 DIVISION II ==== TECHNOLOGY REINVESTMENT FUND ====

16 14 APPROPRIATIONS. This division appropriates project funding
16 15 for FY 2011=2012 from the technology reinvestment fund for the
16 16 departments of administrative services, corrections, education,
16 17 human rights, human services, management, public safety, and
16 18 the Iowa telecommunications and technology commission.

16 19 The division appropriates project funding for FY 2012=2013,
16 20 FY 2013=2014, and FY 2014=2015 from the technology reinvestment
16 21 fund to the department of human services.

16 22 The division appropriates project funding for FY 2011=2012,
16 23 FY 2012=2013, and FY 2013=2014 from the technology reinvestment
16 24 fund for the department of public safety.

16 25 DIVISION III ==== REVENUE BONDS CAPITALS FUND ====

16 26 APPROPRIATIONS. This division appropriates project funding
16 27 for FY 2011=2012 from the revenue bonds capitals fund for the
16 28 department of corrections.

16 29 DIVISION IV ==== MISCELLANEOUS CODE CHANGES. The division
16 30 eliminates FY 2011=2012, FY 2012=2013, and FY 2013=2014
16 31 standing appropriations from the rebuild Iowa infrastructure
16 32 fund to the secure an advanced vision for education fund
16 33 created in Code section 423F.2.

16 34 The division reduces the FY 2011=2012 and FY 2012=2013
16 35 standing appropriations from the rebuild Iowa infrastructure



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 648 - Introduced continued

17 1 fund to the environment first fund from \$42 million to \$33
17 2 million.
17 3 The division eliminates the \$17.5 million standing
17 4 appropriation from the general fund of the state to the
17 5 technology reinvestment fund for FY 2011=2012 and appropriates
17 6 \$17 million from the rebuild Iowa infrastructure fund to the
17 7 technology reinvestment fund for FY 2011=2012.
17 8 The division amends Code section 12.82 to provide that any
17 9 amounts remaining in the school infrastructure fund at the end
17 10 of the fiscal year beginning July 1, 2010, shall be transferred
17 11 to the rebuild Iowa infrastructure fund. This provision takes
17 12 effect upon enactment.
17 13 The division eliminates standing appropriations for FY
17 14 2011=2012 and FY 2012=2013 from the franchise tax revenues
17 15 deposited in the general fund of the state to the community
17 16 attraction and tourism fund.
17 17 The division eliminates the standing appropriation from the
17 18 rebuild Iowa infrastructure fund to the Iowa finance authority
17 19 for deposit into the housing trust fund for FY 2011=2012.
17 20 The division eliminates the \$200,000 appropriation from the
17 21 rebuild Iowa infrastructure fund to the Iowa finance authority
17 22 for administration of the Iowa jobs program.
17 23 DIVISION V ==== CHANGES TO PRIOR APPROPRIATIONS. The division
17 24 extends the reversion date for projects appropriated to the
17 25 department of public safety from the endowment for Iowa's
17 26 health restricted capitals fund for FY 2006=2007.
17 27 The division eliminates the \$300,000 appropriation from
17 28 the rebuild Iowa infrastructure fund for FY 2008=2009 to the
17 29 department of transportation.
17 30 The division eliminates the \$10 million appropriations
17 31 for FY 2011=2012 and FY 2012=2013 from the rebuild Iowa
17 32 infrastructure fund to the department of economic development
17 33 for deposit into the river enhancement community attraction and
17 34 tourism fund.
17 35 The division reduces the appropriation to the department of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 648 - Introduced continued

18 1 transportation for the passenger rail service revolving fund
18 2 for FY 2009=2010 from \$3 million to \$302,700.
18 3 The division eliminates the \$6.5 million appropriation from
18 4 the rebuild Iowa infrastructure fund to the department of
18 5 transportation for the passenger rail service revolving fund
18 6 for FY 2011=2012.
18 7 The division makes changes to the FY 2010=2011
18 8 appropriations from the revenue bonds capitals II fund to
18 9 the treasurer of state, from FY 2009 prison bonding fund to
18 10 the department of corrections, from the Iowa comprehensive
18 11 petroleum underground storage tank fund to the department of
18 12 transportation, and from the school infrastructure fund to the
18 13 department of economic development.
18 14 The division takes effect upon enactment.

LSB 1008HV (3) 84

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Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced

HOUSE FILE
BY COMMITTEE ON
APPROPRIATIONS

A BILL FOR

1 An Act relating to and making appropriations for health and
2 human services and including other related provisions and
3 appropriations, and including effective, retroactive, and
4 applicability date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1004HV (2) 84
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Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

PAG LIN

1 1 DIVISION I
1 2 DEPARTMENT ON AGING
1 3 Section 1. DEPARTMENT ON AGING. There is appropriated from
1 4 the general fund of the state to the department on aging for
1 5 the fiscal year beginning July 1, 2011, and ending June 30,
1 6 2012, the following amount, or so much thereof as is necessary,
1 7 to be used for the purposes designated:
1 8 For aging programs for the department on aging and area
1 9 agencies on aging to provide citizens of Iowa who are 60 years
1 10 of age and older with case management for frail elders, Iowa's
1 11 aging and disabilities resource center, and other services
1 12 which may include but are not limited to adult day services,
1 13 respite care, chore services, information and assistance,
1 14 and material aid, for information and options counseling for
1 15 persons with disabilities who are 18 years of age or older,
1 16 and for salaries, support, administration, maintenance, and
1 17 miscellaneous purposes, and for not more than the following
1 18 full-time equivalent positions:
1 19 \$ 9,852,577
1 20 FTEs 35.00
1 21 1. a. Funds appropriated in this section may be used
1 22 to supplement federal funds under federal regulations. To
1 23 receive funds appropriated in this section, a local area
1 24 agency on aging shall match the funds with moneys from other
1 25 sources according to rules adopted by the department. Funds
1 26 appropriated in this section may be used for elderly services
1 27 not specifically enumerated in this section only if approved
1 28 by an area agency on aging for provision of the service within
1 29 the area.
1 30 b. To receive funds appropriated in this section, a local
1 31 area agency on aging shall reduce administrative costs by
1 32 at least 10 percent in accordance with rules adopted by the
1 33 department. The department on aging may adopt administrative
1 34 rules under section 17A.4, subsection 3, and section 17A.5,
1 35 subsection 2, paragraph "b", for purposes of this lettered



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

2 1 paragraph.
2 2 2. Of the funds appropriated in this section, \$179,946 shall
2 3 be transferred to the department of economic development for
2 4 the Iowa commission on volunteer services to be used for the
2 5 retired and senior volunteer program.
2 6 3. a. The department on aging shall establish and enforce
2 7 procedures relating to expenditure of state and federal funds
2 8 by area agencies on aging that require compliance with both
2 9 state and federal laws, rules, and regulations, including but
2 10 not limited to all of the following:
2 11 (1) Requiring that expenditures are incurred only for goods
2 12 or services received or performed prior to the end of the
2 13 fiscal period designated for use of the funds.
2 14 (2) Prohibiting prepayment for goods or services not
2 15 received or performed prior to the end of the fiscal period
2 16 designated for use of the funds.
2 17 (3) Prohibiting the prepayment for goods or services
2 18 not defined specifically by good or service, time period, or
2 19 recipient.
2 20 (4) Prohibiting the establishment of accounts from which
2 21 future goods or services which are not defined specifically by
2 22 good or service, time period, or recipient, may be purchased.
2 23 b. The procedures shall provide that if any funds are
2 24 expended in a manner that is not in compliance with the
2 25 procedures and applicable federal and state laws, rules, and
2 26 regulations, and are subsequently subject to repayment, the
2 27 area agency on aging expending such funds in contravention of
2 28 such procedures, laws, rules and regulations, not the state,
2 29 shall be liable for such repayment.
2 30 DIVISION II
2 31 DEPARTMENT OF PUBLIC HEALTH
2 32 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. The allocations
2 33 made in this section may include amounts carried forward from
2 34 appropriations and allocations made for the same purposes in
2 35 the previous fiscal year. There is appropriated from the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

3 1 general fund of the state to the department of public health
3 2 for the fiscal year beginning July 1, 2011, and ending June
3 3 30, 2012, the following amounts, or so much thereof as is
3 4 necessary, to be used for the purposes designated:
3 5 1. ADDICTIVE DISORDERS
3 6 For reducing the prevalence of use of tobacco, alcohol, and
3 7 other drugs, and treating individuals affected by addictive
3 8 behaviors, including gambling, and for not more than the
3 9 following full-time equivalent positions:
3 10 \$ 20,703,190
3 11 FTEs 13.00
3 12 a. (1) Of the funds appropriated in this subsection,
3 13 \$453,830 shall be transferred to the alcoholic beverages
3 14 division of the department of commerce for enforcement of
3 15 tobacco laws, regulations, and ordinances in accordance with
3 16 2011 Iowa Acts, House File 467, if enacted.
3 17 (2) Implementation of the tobacco use prevention and
3 18 control initiative for the fiscal year beginning July 1, 2011,
3 19 including efforts at the state and local levels, as provided
3 20 in chapter 142A, shall be limited to the extent of the funding
3 21 available.
3 22 b. Of the funds appropriated in this subsection,
3 23 \$20,249,360 shall be used for substance abuse and problem
3 24 gambling prevention and treatment.
3 25 (1) Of the funds allocated in this paragraph "b", up
3 26 to \$2,579,000 may be used for problem gambling prevention
3 27 programming, treatment, and recovery services and related
3 28 support.
3 29 (2) Of the funds allocated in this paragraph "b", up
3 30 to \$100,000 may be used for the licensing of problem gambling
3 31 treatment programs.
3 32 c. Notwithstanding any provision of law to the contrary,
3 33 to standardize the availability, delivery, cost of delivery,
3 34 and accountability of problem gambling and substance abuse
3 35 treatment services statewide, the department shall continue



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

4 1 implementation of a process to create a system for delivery
4 2 of the treatment services in accordance with the requirements
4 3 specified in 2008 Iowa Acts, chapter 1187, section 3,
4 4 subsection 4. To ensure the system provides a continuum of
4 5 treatment services that best meets the needs of Iowans, the
4 6 problem gambling and substance abuse treatment services in an
4 7 area may be provided either by a single agency or by separate
4 8 agencies submitting a joint proposal.
4 9 (1) The system for delivery of substance abuse and problem
4 10 gambling treatment shall include problem gambling prevention.
4 11 (a) The system for delivery of substance abuse and problem
4 12 gambling treatment and problem gambling prevention shall
4 13 include 24-hour helpline services, public information and
4 14 resources, and program evaluation.
4 15 (b) The process to create a system for delivery of substance
4 16 abuse and problem gambling treatment and problem gambling
4 17 prevention shall be completed by July 1, 2012. The department
4 18 shall submit a proposed legislative bill in accordance with
4 19 section 2.16, for consideration during the 2012 legislative
4 20 session, addressing any statutory revisions necessary for full
4 21 implementation of the system.
4 22 (2) The system for delivery of substance abuse and problem
4 23 gambling treatment and problem gambling prevention shall be
4 24 expanded to include substance abuse prevention by July 1, 2014.
4 25 (3) From the amounts designated for gambling and substance
4 26 abuse treatment, the department may use up to \$100,000 for
4 27 administrative costs to continue developing and implementing
4 28 the process in accordance with this subparagraph (3).
4 29 d. Of the funds allocated in paragraph "b", \$17,132,508
4 30 shall be used for substance abuse treatment and prevention.
4 31 (1) Of the funds allocated in this lettered paragraph,
4 32 \$899,300 shall be used for the public purpose of a grant
4 33 program to provide substance abuse prevention programming for
4 34 children.
4 35 (a) Of the funds allocated in this subparagraph, \$427,539



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

5 1 shall be utilized for the public purpose of providing grant
5 2 funding for organizations that provide programming for children
5 3 by utilizing mentors. Programs approved for such grants
5 4 shall be certified or will be certified within six months of
5 5 receiving the grant award by the Iowa commission on volunteer
5 6 services as utilizing the standards for effective practice for
5 7 mentoring programs.

5 8 (b) Of the funds allocated in this subparagraph, \$426,839
5 9 shall be utilized for the public purpose of providing grant
5 10 funding for organizations that provide programming that
5 11 includes youth development and leadership. The programs shall
5 12 also be recognized as being programs that are scientifically
5 13 based with evidence of their effectiveness in reducing
5 14 substance abuse in children.

5 15 (c) The Iowa department of public health shall utilize a
5 16 request for proposals process to implement the grant program.

5 17 (d) All grant recipients shall participate in a program
5 18 evaluation as a requirement for receiving grant funds.

5 19 (e) Of the funds allocated for the grant program, \$44,922
5 20 shall be used to administer substance abuse prevention grants
5 21 and for program evaluations.

5 22 (2) It is the intent of the general assembly that from the
5 23 moneys allocated in this lettered paragraph persons with a dual
5 24 diagnosis of substance abuse and gambling addictions shall be
5 25 given priority in treatment services.

5 26 e. Of the funds appropriated in this subsection, \$273,062
5 27 shall be used for culturally competent substance abuse
5 28 treatment pilot projects.

5 29 (1) The department shall utilize the amount allocated
5 30 in this lettered paragraph for at least three pilot projects
5 31 to provide culturally competent substance abuse treatment in
5 32 various areas of the state. Each pilot project shall target
5 33 a particular ethnic minority population. The populations
5 34 targeted shall include but are not limited to African-American,
5 35 Asian, and Latino.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

6 1 (2) The pilot project requirements shall provide for
6 2 documentation or other means to ensure access to the cultural
6 3 competence approach used by a pilot project so that such
6 4 approach can be replicated and improved upon in successor
6 5 programs.
6 6 f. The requirement of section 123.53, subsection 5, is met
6 7 by the appropriations and allocations made in this Act for
6 8 purposes of substance abuse treatment and addictive disorders
6 9 for the fiscal year beginning July 1, 2011.
6 10 g. The department of public health shall work with all other
6 11 departments that fund substance abuse prevention and treatment
6 12 services and all such departments shall collectively meet the
6 13 state maintenance of effort requirements for expenditures
6 14 for substance abuse services as required under the federal
6 15 substance abuse prevention and treatment block grant.
6 16 h. The department shall amend or otherwise revise
6 17 departmental policies and contract provisions in order to
6 18 eliminate free t-shirt distribution, banner production, and
6 19 other unnecessary promotional expenditures.
6 20 2. HEALTHY CHILDREN AND FAMILIES
6 21 For promoting the optimum health status for children,
6 22 adolescents from birth through 21 years of age, and families,
6 23 and for not more than the following full-time equivalent
6 24 positions:
6 25 \$ 2,451,905
6 26 FTEs 10.00
6 27 a. Of the funds appropriated in this subsection, not more
6 28 than \$639,318 shall be used for the healthy opportunities to
6 29 experience success (HOPES)=healthy families Iowa (HFI) program
6 30 established pursuant to section 135.106. The funding shall
6 31 be distributed to renew the grants that were provided to the
6 32 grantees that operated the program during the fiscal year
6 33 ending June 30, 2011.
6 34 b. Of the funds appropriated in this subsection, \$287,520
6 35 shall be used to continue to address the healthy mental



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

7 1 development of children from birth through five years of age
7 2 through local evidence-based strategies that engage both the
7 3 public and private sectors in promoting healthy development,
7 4 prevention, and treatment for children.
7 5 c. Of the funds appropriated in this subsection, \$31,597
7 6 shall be distributed to a statewide dental carrier to provide
7 7 funds to continue the donated dental services program patterned
7 8 after the projects developed by the national foundation of
7 9 dentistry for the handicapped to provide dental services to
7 10 indigent elderly and disabled individuals.
7 11 d. Of the funds appropriated in this subsection, \$112,677
7 12 shall be used for childhood obesity prevention.
7 13 e. Of the funds appropriated in this subsection, \$163,760
7 14 shall be used to provide audiological services and hearing
7 15 aids for children. The department may enter into a contract
7 16 to administer this paragraph.
7 17 3. CHRONIC CONDITIONS
7 18 For serving individuals identified as having chronic
7 19 conditions or special health care needs, and for not more than
7 20 the following full-time equivalent positions:
7 21 \$ 3,386,865
7 22 FTEs 4.00
7 23 a. Of the funds appropriated in this subsection, \$136,808
7 24 shall be used for grants to individual patients who have
7 25 phenylketonuria (PKU) to assist with the costs of necessary
7 26 special foods.
7 27 b. Of the funds appropriated in this subsection, \$383,600
7 28 is allocated for continuation of the contracts for resource
7 29 facilitator services in accordance with section 135.22B,
7 30 subsection 9, and for brain injury training services and
7 31 recruiting of service providers to increase the capacity within
7 32 this state to address the needs of individuals with brain
7 33 injuries and such individuals' families.
7 34 c. Of the funds appropriated in this subsection, \$468,874
7 35 shall be used as additional funding to leverage federal funding



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

8 1 through the federal Ryan White Care Act, Tit. II, AIDS drug
8 2 assistance program supplemental drug treatment grants.
8 3 d. Of the funds appropriated in this subsection, \$31,254
8 4 shall be used for the public purpose of providing a grant to an
8 5 existing national=affiliated organization to provide education,
8 6 client=centered programs, and client and family support for
8 7 people living with epilepsy and their families.
8 8 e. Of the funds appropriated in this subsection, \$770,791
8 9 shall be used for child health specialty clinics.
8 10 f. Of the funds appropriated in this subsection, \$733,311
8 11 shall be used for the comprehensive cancer control program to
8 12 reduce the burden of cancer in Iowa through prevention, early
8 13 detection, effective treatment, and ensuring quality of life.
8 14 Of the funds allocated in this lettered paragraph, \$363,987
8 15 shall be used to support a melanoma research symposium, a
8 16 melanoma biorepository and registry, basic and translational
8 17 melanoma research, and clinical trials.
8 18 g. Of the funds appropriated in this subsection, \$134,560
8 19 shall be used for cervical and colon cancer screening.
8 20 h. Of the funds appropriated in this subsection, \$421,782
8 21 shall be used for the center for congenital and inherited
8 22 disorders.
8 23 i. Of the funds appropriated in this subsection, \$129,937
8 24 shall be used for the prescription drug donation repository
8 25 program created in chapter 135M.
8 26 4. COMMUNITY CAPACITY
8 27 For strengthening the health care delivery system at the
8 28 local level, and for not more than the following full=time
8 29 equivalent positions:
8 30 \$ 3,610,740
8 31 FTEs 14.00
8 32 a. Of the funds appropriated in this subsection, \$33,081
8 33 is allocated for a child vision screening program implemented
8 34 through the university of Iowa hospitals and clinics in
8 35 collaboration with early childhood Iowa areas.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

9 1 b. Of the funds appropriated in this subsection, \$118,981 is
9 2 allocated for continuation of an initiative implemented at the
9 3 university of Iowa and \$107,420 is allocated for continuation
9 4 of an initiative at the state mental health institute at
9 5 Cherokee to expand and improve the workforce engaged in
9 6 mental health treatment and services. The initiatives shall
9 7 receive input from the university of Iowa, the department
9 8 of human services, the department of public health, and the
9 9 mental health, mental retardation, developmental disabilities,
9 10 and brain injury commission to address the focus of the
9 11 initiatives.

9 12 c. Of the funds appropriated in this subsection, \$1,171,491
9 13 shall be used for essential public health services that promote
9 14 healthy aging throughout the lifespan, contracted through a
9 15 formula for local boards of health, to enhance health promotion
9 16 and disease prevention services.

9 17 d. Of the funds appropriated in this section, \$121,817 shall
9 18 be deposited in the governmental public health system fund
9 19 created in section 135A.8 to be used for the purposes of the
9 20 fund.

9 21 e. Of the funds appropriated in this subsection, \$113,605
9 22 shall be used for the mental health professional shortage area
9 23 program implemented pursuant to section 135.80.

9 24 f. Of the funds appropriated in this subsection,
9 25 \$40,900 shall be used for a grant to a statewide association
9 26 of psychologists that is affiliated with the American
9 27 psychological association to be used for continuation of a
9 28 program to rotate intern psychologists in placements in urban
9 29 and rural mental health professional shortage areas, as defined
9 30 in section 135.80.

9 31 g. Of the funds appropriated in this subsection, the
9 32 following amounts shall be allocated to the Iowa collaborative
9 33 safety net provider network established pursuant to section
9 34 135.153 to be used for the purposes designated:

9 35 (1) For distribution to the Iowa=Nebraska primary



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

10 1 care association for statewide coordination of the Iowa
10 2 collaborative safety net provider network:
10 3 \$ 116,597
10 4 (2) For distribution to the local boards of health that
10 5 provide direct services for pilot programs in three counties to
10 6 assist patients in determining an appropriate medical home:
10 7 \$ 68,332
10 8 (3) For distribution to maternal and child health centers
10 9 for pilot programs in three counties to assist patients in
10 10 determining an appropriate medical home:
10 11 \$ 68,332
10 12 (4) For distribution to free clinics for necessary
10 13 infrastructure, statewide coordination, provider recruitment,
10 14 service delivery, and provision of assistance to patients in
10 15 determining an appropriate medical home:
10 16 \$ 113,754
10 17 (5) For distribution to rural health clinics for necessary
10 18 infrastructure, statewide coordination, provider recruitment,
10 19 service delivery, and provision of assistance to patients in
10 20 determining an appropriate medical home:
10 21 \$ 101,264
10 22 (6) For continuation of the safety net provider patient
10 23 access to specialty health care initiative as described in 2007
10 24 Iowa Acts, chapter 218, section 109:
10 25 \$ 238,420
10 26 (7) For continuation of the pharmaceutical infrastructure
10 27 for safety net providers as described in 2007 Iowa Acts,
10 28 chapter 218, section 108:
10 29 \$ 247,590
10 30 The Iowa collaborative safety net provider network may
10 31 continue to distribute funds allocated pursuant to this
10 32 lettered paragraph through existing contracts or renewal of
10 33 existing contracts.
10 34 h. The department shall utilize funds received through
10 35 the grant by the United States department of health and human



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

11 1 services, health resources and services administration to
11 2 develop and pilot a training and credentialing model for direct
11 3 care professionals, to the extent allowable, to continue
11 4 implementation of the recommendations of the direct care worker
11 5 task force established pursuant to 2005 Iowa Acts, chapter 88,
11 6 based upon the report submitted to the governor and the general
11 7 assembly in December 2006.
11 8 i. The department may utilize one of the full-time
11 9 equivalent positions authorized in this subsection for
11 10 administration of the activities related to the Iowa
11 11 collaborative safety net provider network.
11 12 j. Of the funds appropriated in this subsection, the
11 13 department may use up to \$60,000 for up to one full-time
11 14 equivalent position to administer the volunteer health care
11 15 provider program pursuant to section 135.24.
11 16 5. HEALTHY AGING
11 17 To provide public health services that reduce risks and
11 18 invest in promoting and protecting good health over the
11 19 course of a lifetime with a priority given to older Iowans and
11 20 vulnerable populations:
11 21 \$ 7,297,142
11 22 a. Of the funds appropriated in this subsection, \$2,009,187
11 23 shall be used for local public health nursing services.
11 24 b. Of the funds appropriated in this subsection, \$5,287,955
11 25 shall be used for home care aide services.
11 26 6. ENVIRONMENTAL HAZARDS
11 27 For reducing the public's exposure to hazards in the
11 28 environment, primarily chemical hazards, and for not more than
11 29 the following full-time equivalent positions:
11 30 \$ 813,777
11 31 FTEs 4.00
11 32 Of the funds appropriated in this subsection, \$575,631 shall
11 33 be used for childhood lead poisoning provisions.
11 34 7. INFECTIOUS DISEASES
11 35 For reducing the incidence and prevalence of communicable



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

12 1 diseases, and for not more than the following full=time
12 2 equivalent positions:
12 3 \$ 1,345,847
12 4 FTEs 4.00
12 5 8. PUBLIC PROTECTION
12 6 For protecting the health and safety of the public through
12 7 establishing standards and enforcing regulations, and for not
12 8 more than the following full=time equivalent positions:
12 9 \$ 2,906,532
12 10 FTEs 125.00
12 11 a. Of the funds appropriated in this subsection, not more
12 12 than \$424,146 shall be credited to the emergency medical
12 13 services fund created in section 135.25. Moneys in the
12 14 emergency medical services fund are appropriated to the
12 15 department to be used for the purposes of the fund.
12 16 b. Of the funds appropriated in this subsection, \$210,619
12 17 shall be used for sexual violence prevention programming
12 18 through a statewide organization representing programs serving
12 19 victims of sexual violence through the department's sexual
12 20 violence prevention program. The amount allocated in this
12 21 lettered paragraph shall not be used to supplant funding
12 22 administered for other sexual violence prevention or victims
12 23 assistance programs.
12 24 c. Of the funds appropriated in this subsection, not more
12 25 than \$436,582 shall be used for the state poison control
12 26 center.
12 27 d. If 2011 Iowa Acts, House File 457, is enacted, the
12 28 department of public health shall transfer \$189,196 to the
12 29 department of agriculture and land stewardship for the purposes
12 30 of performing functions pursuant to section 192.109, as amended
12 31 by House File 457.
12 32 9. RESOURCE MANAGEMENT
12 33 For establishing and sustaining the overall ability of the
12 34 department to deliver services to the public, and for not more
12 35 than the following full=time equivalent positions:



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

13 1 \$ 819,554
13 2 FTEs 7.00
13 3 The university of Iowa hospitals and clinics under the
13 4 control of the state board of regents shall not receive
13 5 indirect costs from the funds appropriated in this section.
13 6 The university of Iowa hospitals and clinics billings to the
13 7 department shall be on at least a quarterly basis.
13 8 DIVISION III
13 9 DEPARTMENT OF VETERANS AFFAIRS
13 10 Sec. 3. DEPARTMENT OF VETERANS AFFAIRS. There is
13 11 appropriated from the general fund of the state to the
13 12 department of veterans affairs for the fiscal year beginning
13 13 July 1, 2011, and ending June 30, 2012, the following amounts,
13 14 or so much thereof as is necessary, to be used for the purposes
13 15 designated:
13 16 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION
13 17 For salaries, support, maintenance, and miscellaneous
13 18 purposes, including the war orphans educational assistance fund
13 19 created in section 35.8, and for not more than the following
13 20 full-time equivalent positions:
13 21 \$ 998,832
13 22 FTEs 16.34
13 23 2. IOWA VETERANS HOME
13 24 For salaries, support, maintenance, and miscellaneous
13 25 purposes:
13 26 \$ 8,952,151
13 27 a. The Iowa veterans home billings involving the department
13 28 of human services shall be submitted to the department on at
13 29 least a monthly basis.
13 30 b. If there is a change in the employer of employees
13 31 providing services at the Iowa veterans home under a collective
13 32 bargaining agreement, such employees and the agreement shall
13 33 be continued by the successor employer as though there had not
13 34 been a change in employer.
13 35 c. Within available resources and in conformance with



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

14 1 associated state and federal program eligibility requirements,
14 2 the Iowa veterans home may implement measures to provide
14 3 financial assistance to or on behalf of veterans or their
14 4 spouses participating in the community reentry program.
14 5 3. STATE EDUCATIONAL ASSISTANCE ==== CHILDREN OF DECEASED
14 6 VETERANS
14 7 For provision of educational assistance pursuant to section
14 8 35.9:
14 9 \$ 12,416
14 10 Sec. 4. LIMITATION OF COUNTY COMMISSION OF VETERANS AFFAIRS
14 11 FUND STANDING APPROPRIATIONS. Notwithstanding the standing
14 12 appropriation in the following designated section for the
14 13 fiscal year beginning July 1, 2011, and ending June 30, 2012,
14 14 the amounts appropriated from the general fund of the state
14 15 pursuant to that section for the following designated purposes
14 16 shall not exceed the following amount:
14 17 For the county commissions of veterans affairs fund under
14 18 section 35A.16:
14 19 \$ 990,000
14 20 DIVISION IV
14 21 DEPARTMENT OF HUMAN SERVICES
14 22 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
14 23 GRANT. There is appropriated from the fund created in section
14 24 8.41 to the department of human services for the fiscal year
14 25 beginning July 1, 2011, and ending June 30, 2012, from moneys
14 26 received under the federal temporary assistance for needy
14 27 families (TANF) block grant pursuant to the federal Personal
14 28 Responsibility and Work Opportunity Reconciliation Act of 1996,
14 29 Pub. L. No. 104=193, and successor legislation, and from moneys
14 30 received under the emergency contingency fund for temporary
14 31 assistance for needy families state program established
14 32 pursuant to the federal American Recovery and Reinvestment Act
14 33 of 2009, Pub. L. No. 111=5 { 2101, and successor legislation,
14 34 the following amounts, or so much thereof as is necessary, to
14 35 be used for the purposes designated:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

15 1 1. To be credited to the family investment program account
15 2 and used for assistance under the family investment program
15 3 under chapter 239B:
15 4 \$ 21,500,738
15 5 2. To be credited to the family investment program account
15 6 and used for the job opportunities and basic skills (JOBS)
15 7 program and implementing family investment agreements in
15 8 accordance with chapter 239B:
15 9 \$ 12,411,528
15 10 Notwithstanding section 8.33, not more than 5 percent of
15 11 the moneys designated in this subsection that are allocated
15 12 by the department for contracted services, other than
15 13 family self=sufficiency grant services allocated under this
15 14 subsection, that remain unencumbered or unobligated at the
15 15 close of the fiscal year shall not revert but shall remain
15 16 available for expenditure for the purposes designated until
15 17 the close of the succeeding fiscal year. However, unless such
15 18 moneys are encumbered or obligated on or before September 30,
15 19 2012, the moneys shall revert.
15 20 3. To be used for the family development and
15 21 self=sufficiency grant program in accordance with section
15 22 216A.107:
15 23 \$ 2,898,980
15 24 Notwithstanding section 8.33, moneys appropriated in this
15 25 subsection that remain unencumbered or unobligated at the close
15 26 of the fiscal year shall not revert but shall remain available
15 27 for expenditure for the purposes designated until the close of
15 28 the succeeding fiscal year. However, unless such moneys are
15 29 encumbered or obligated on or before September 30, 2012, the
15 30 moneys shall revert.
15 31 4. For field operations:
15 32 \$ 31,296,232
15 33 5. For general administration:
15 34 \$ 3,744,000
15 35 6. For state child care assistance:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

16 1 \$ 16,382,687
16 2 The funds appropriated in this subsection shall be
16 3 transferred to the child care and development block grant
16 4 appropriation made by the Eighty=fourth General Assembly, 2011
16 5 Session, for the federal fiscal year beginning October 1,
16 6 2011, and ending September 30, 2012. Of this amount, \$200,000
16 7 shall be used for provision of educational opportunities to
16 8 registered child care home providers in order to improve
16 9 services and programs offered by this category of providers
16 10 and to increase the number of providers. The department may
16 11 contract with institutions of higher education or child care
16 12 resource and referral centers to provide the educational
16 13 opportunities. Allowable administrative costs under the
16 14 contracts shall not exceed 5 percent. The application for a
16 15 grant shall not exceed two pages in length.
16 16 7. For mental health and developmental disabilities
16 17 community services:
16 18 \$ 4,894,052
16 19 8. For child and family services:
16 20 \$ 32,084,430
16 21 9. For child abuse prevention grants:
16 22 \$ 125,000
16 23 10. For pregnancy prevention grants on the condition that
16 24 family planning services are funded:
16 25 \$ 1,930,067
16 26 Pregnancy prevention grants shall be awarded to pregnancy
16 27 prevention programs that are based on existing models that
16 28 have demonstrated positive outcomes. Grants shall comply with
16 29 the requirements provided in 1997 Iowa Acts, chapter 208,
16 30 section 14, subsections 1 and 2, including the requirement that
16 31 grant programs must emphasize sexual abstinence. Priority in
16 32 the awarding of grants shall be given to programs that serve
16 33 areas of the state which demonstrate the highest percentage of
16 34 unplanned pregnancies of females of childbearing age within the
16 35 geographic area to be served by the grant.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

17 1 11. For technology needs and other resources necessary
17 2 to meet federal welfare reform reporting, tracking, and case
17 3 management requirements:
17 4 \$ 1,037,186
17 5 12. To be credited to the state child care assistance
17 6 appropriation made in this section to be used for funding of
17 7 community-based early childhood programs targeted to children
17 8 from birth through five years of age developed by early
17 9 childhood Iowa areas as provided in section 256I.11:
17 10 \$ 6,350,000
17 11 The department shall transfer TANF block grant funding
17 12 appropriated and allocated in this subsection to the child care
17 13 and development block grant appropriation in accordance with
17 14 federal law as necessary to comply with the provisions of this
17 15 subsection.
17 16 13. a. Notwithstanding any provision to the contrary,
17 17 including but not limited to requirements in section 8.41 or
17 18 provisions in 2010 or 2011 Iowa Acts regarding the receipt
17 19 and appropriation of federal block grants, federal funds
17 20 from the emergency contingency fund for temporary assistance
17 21 for needy families state program established pursuant to the
17 22 federal American Recovery and Reinvestment Act of 2009, Pub.
17 23 L. No. 111=5 { 2101, received by the state during the fiscal
17 24 year beginning July 1, 2010, and ending June 30, 2011, not
17 25 otherwise appropriated in this section and remaining available
17 26 as of July 1, 2011, and received by the state during the fiscal
17 27 year beginning July 1, 2011, and ending June 30, 2012, are
17 28 appropriated to the extent as may be necessary to be used in
17 29 the following priority order: the family investment program
17 30 for the fiscal year and for state child care assistance program
17 31 payments for individuals enrolled in the family investment
17 32 program who are employed. The federal funds appropriated in
17 33 this paragraph "a" shall be expended only after all other
17 34 funds appropriated in subsection 1 for the assistance under
17 35 the family investment program under chapter 239B have been



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

18 1 expended.

18 2 b. The department shall, on a quarterly basis, advise the
18 3 legislative services agency and department of management of
18 4 the amount of funds appropriated in this subsection that was
18 5 expended in the prior quarter.

18 6 14. Of the amounts appropriated in this section,
18 7 \$12,962,008 for the fiscal year beginning July 1, 2011, shall
18 8 be transferred to the appropriation of the federal social
18 9 services block grant made for that fiscal year.

18 10 15. For continuation of the program allowing the department
18 11 to maintain categorical eligibility for the food assistance
18 12 program as required under the section of this division relating
18 13 to the family investment account:

18 14 \$ 146,072

18 15 16. The department may transfer funds allocated in this
18 16 section to the appropriations made in this Act for general
18 17 administration and field operations for resources necessary to
18 18 implement and operate the services referred to in this section
18 19 and those funded in the appropriation made in this division of
18 20 this Act for the family investment program from the general
18 21 fund of the state.

18 22 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.

18 23 1. Moneys credited to the family investment program (FIP)
18 24 account for the fiscal year beginning July 1, 2011, and
18 25 ending June 30, 2012, shall be used to provide assistance in
18 26 accordance with chapter 239B.

18 27 2. The department may use a portion of the moneys credited
18 28 to the FIP account under this section as necessary for
18 29 salaries, support, maintenance, and miscellaneous purposes.

18 30 3. The department may transfer funds allocated in
18 31 this section to the appropriations in this Act for general
18 32 administration and field operations for resources necessary to
18 33 implement and operate the services referred to in this section
18 34 and those funded in the appropriation made in this division of
18 35 this Act for the family investment program from the general



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

19 1 fund of the state.
19 2 4. Moneys appropriated in this division of this Act and
19 3 credited to the FIP account for the fiscal year beginning July
19 4 1, 2011, and ending June 30, 2012, are allocated as follows:
19 5 a. To be retained by the department of human services to
19 6 be used for coordinating with the department of human rights
19 7 to more effectively serve participants in the FIP program and
19 8 other shared clients and to meet federal reporting requirements
19 9 under the federal temporary assistance for needy families block
19 10 grant:
19 11 \$ 20,000
19 12 b. To the department of human rights for staffing,
19 13 administration, and implementation of the family development
19 14 and self=sufficiency grant program in accordance with section
19 15 216A.107:
19 16 \$ 5,342,834
19 17 (1) Of the funds allocated for the family development and
19 18 self=sufficiency grant program in this lettered paragraph,
19 19 not more than 5 percent of the funds shall be used for the
19 20 administration of the grant program.
19 21 (2) The department of human rights may continue to implement
19 22 the family development and self=sufficiency grant program
19 23 statewide during fiscal year 2011=2012.
19 24 c. For the diversion subaccount of the FIP account:
19 25 \$ 1,698,400
19 26 A portion of the moneys allocated for the subaccount may
19 27 be used for field operations salaries, data management system
19 28 development, and implementation costs and support deemed
19 29 necessary by the director of human services in order to
19 30 administer the FIP diversion program.
19 31 d. For the food stamp employment and training program:
19 32 \$ 66,588
19 33 (1) The department shall amend the food stamp employment and
19 34 training state plan in order to maximize to the fullest extent
19 35 permitted by federal law the use of the 50=50 match provisions



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

20 1 for the claiming of allowable federal matching funds from the
20 2 United States department of agriculture pursuant to the federal
20 3 food stamp employment and training program for providing
20 4 education, employment, and training services for eligible food
20 5 assistance program participants, including but not limited to
20 6 related dependent care and transportation expenses.

20 7 (2) The department shall continue the categorical federal
20 8 food assistance program eligibility at 160 percent of the
20 9 federal poverty level and continue to eliminate the asset test
20 10 from eligibility requirements, consistent with federal food
20 11 assistance program requirements. The department shall include
20 12 as many food assistance households as is allowed by federal
20 13 law. The eligibility provisions shall conform to all federal
20 14 requirements including requirements addressing individuals who
20 15 are incarcerated or otherwise ineligible.

20 16 e. For the JOBS program:

20 17 \$ 20,235,905

20 18 5. Of the child support collections assigned under FIP,
20 19 an amount equal to the federal share of support collections
20 20 shall be credited to the child support recovery appropriation
20 21 made in this division of this Act. Of the remainder of the
20 22 assigned child support collections received by the child
20 23 support recovery unit, a portion shall be credited to the FIP
20 24 account, a portion may be used to increase recoveries, and a
20 25 portion may be used to sustain cash flow in the child support
20 26 payments account. If as a consequence of the appropriations
20 27 and allocations made in this section the resulting amounts
20 28 are insufficient to sustain cash assistance payments and meet
20 29 federal maintenance of effort requirements, the department
20 30 shall seek supplemental funding. If child support collections
20 31 assigned under FIP are greater than estimated or are otherwise
20 32 determined not to be required for maintenance of effort, the
20 33 state share of either amount may be transferred to or retained
20 34 in the child support payment account.

20 35 6. The department may adopt emergency rules for the family



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

21 1 investment, JOBS, food stamp, and medical assistance programs
21 2 if necessary to comply with federal requirements.
21 3 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL FUND. There
21 4 is appropriated from the general fund of the state to the
21 5 department of human services for the fiscal year beginning July
21 6 1, 2011, and ending June 30, 2012, the following amount, or
21 7 so much thereof as is necessary, to be used for the purpose
21 8 designated:
21 9 To be credited to the family investment program (FIP)
21 10 account and used for family investment program assistance under
21 11 chapter 239B:
21 12 \$ 50,421,027
21 13 1. Of the funds appropriated in this section, \$7,824,377 is
21 14 allocated for the JOBS program.
21 15 2. Of the funds appropriated in this section, \$2,463,854 is
21 16 allocated for the family development and self-sufficiency grant
21 17 program.
21 18 3. Notwithstanding section 8.39, for the fiscal year
21 19 beginning July 1, 2011, if necessary to meet federal
21 20 maintenance of effort requirements or to transfer federal
21 21 temporary assistance for needy families block grant funding
21 22 to be used for purposes of the federal social services block
21 23 grant or to meet cash flow needs resulting from delays in
21 24 receiving federal funding or to implement, in accordance with
21 25 this division of this Act, activities currently funded with
21 26 juvenile court services, county, or community moneys and state
21 27 moneys used in combination with such moneys, the department
21 28 of human services may transfer funds within or between any
21 29 of the appropriations made in this division of this Act and
21 30 appropriations in law for the federal social services block
21 31 grant to the department for the following purposes, provided
21 32 that the combined amount of state and federal temporary
21 33 assistance for needy families block grant funding for each
21 34 appropriation remains the same before and after the transfer:
21 35 a. For the family investment program.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

22 1 b. For child care assistance.
22 2 c. For child and family services.
22 3 d. For field operations.
22 4 e. For general administration.
22 5 f. MH/MR/DD/BI community services (local purchase).
22 6 This subsection shall not be construed to prohibit the use
22 7 of existing state transfer authority for other purposes. The
22 8 department shall report any transfers made pursuant to this
22 9 subsection to the legislative services agency.
22 10 4. Of the funds appropriated in this section, \$195,678 shall
22 11 be used for continuation of a grant to an Iowa-based nonprofit
22 12 organization with a history of providing tax preparation
22 13 assistance to low-income Iowans in order to expand the usage of
22 14 the earned income tax credit. The purpose of the grant is to
22 15 supply this assistance to underserved areas of the state.
22 16 Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated
22 17 from the general fund of the state to the department of human
22 18 services for the fiscal year beginning July 1, 2011, and ending
22 19 June 30, 2012, the following amount, or so much thereof as is
22 20 necessary, to be used for the purposes designated:
22 21 For child support recovery, including salaries, support,
22 22 maintenance, and miscellaneous purposes, and for not more than
22 23 the following full-time equivalent positions:
22 24 \$ 12,811,565
22 25 FTEs 475.00
22 26 1. The department shall expend up to \$24,329, including
22 27 federal financial participation, for the fiscal year beginning
22 28 July 1, 2011, for a child support public awareness campaign.
22 29 The department and the office of the attorney general shall
22 30 cooperate in continuation of the campaign. The public
22 31 awareness campaign shall emphasize, through a variety of
22 32 media activities, the importance of maximum involvement of
22 33 both parents in the lives of their children as well as the
22 34 importance of payment of child support obligations.
22 35 2. Federal access and visitation grant moneys shall be



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

23 1 issued directly to private not=for=profit agencies that provide
23 2 services designed to increase compliance with the child access
23 3 provisions of court orders, including but not limited to
23 4 neutral visitation sites and mediation services.

23 5 3. The appropriation made to the department for child
23 6 support recovery may be used throughout the fiscal year in the
23 7 manner necessary for purposes of cash flow management, and for
23 8 cash flow management purposes the department may temporarily
23 9 draw more than the amount appropriated, provided the amount
23 10 appropriated is not exceeded at the close of the fiscal year.

23 11 4. With the exception of the funding amount specified, the
23 12 requirements established under 2001 Iowa Acts, chapter 191,
23 13 section 3, subsection 5, paragraph "c", subparagraph (3), shall
23 14 be applicable to parental obligation pilot projects for the
23 15 fiscal year beginning July 1, 2011, and ending June 30, 2012.

23 16 Sec. 9. HEALTH CARE TRUST FUND ==== MEDICAL ASSISTANCE. Any
23 17 funds remaining in the health care trust fund created in
23 18 section 453A.35A for the fiscal year beginning July 1, 2011,
23 19 and ending June 30, 2012, are appropriated to the department
23 20 of human services to supplement the medical assistance program
23 21 appropriations made in this Act, for medical assistance
23 22 reimbursement and associated costs, including program
23 23 administration and costs associated with implementation.

23 24 Sec. 10. MEDICAL ASSISTANCE. There is appropriated from the
23 25 general fund of the state to the department of human services
23 26 for the fiscal year beginning July 1, 2011, and ending June 30,
23 27 2012, the following amount, or so much thereof as is necessary,
23 28 to be used for the purpose designated:

23 29 For medical assistance reimbursement and associated costs
23 30 as specifically provided in the reimbursement methodologies
23 31 in effect on June 30, 2011, except as otherwise expressly
23 32 authorized by law, including reimbursement for abortion
23 33 services which shall be available under the medical assistance
23 34 program only for those abortions which are medically necessary:
23 35 \$897,237,190



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

24 1 1. Medically necessary abortions are those performed under
24 2 any of the following conditions:
24 3 a. The attending physician certifies that continuing the
24 4 pregnancy would endanger the life of the pregnant woman.
24 5 b. Any spontaneous abortion, commonly known as a
24 6 miscarriage, if not all of the products of conception are
24 7 expelled.
24 8 2. The department shall utilize not more than \$60,000 of
24 9 the funds appropriated in this section to continue the AIDS/HIV
24 10 health insurance premium payment program as established in 1992
24 11 Iowa Acts, Second Extraordinary Session, chapter 1001, section
24 12 409, subsection 6. Of the funds allocated in this subsection,
24 13 not more than \$5,000 may be expended for administrative
24 14 purposes.
24 15 3. Of the funds appropriated in this Act to the department
24 16 of public health for addictive disorders, \$950,000 for the
24 17 fiscal year beginning July 1, 2011, shall be transferred to
24 18 the department of human services for an integrated substance
24 19 abuse managed care system. The department shall not assume
24 20 management of the substance abuse system in place of the
24 21 managed care contractor unless such a change in approach is
24 22 specifically authorized in law. The departments of human
24 23 services and public health shall work together to maintain
24 24 the level of mental health and substance abuse services
24 25 provided by the managed care contractor through the Iowa plan
24 26 for behavioral health. Each department shall take the steps
24 27 necessary to continue the federal waivers as necessary to
24 28 maintain the level of services.
24 29 4. a. The department shall aggressively pursue options for
24 30 providing medical assistance or other assistance to individuals
24 31 with special needs who become ineligible to continue receiving
24 32 services under the early and periodic screening, diagnostic,
24 33 and treatment program under the medical assistance program
24 34 due to becoming 21 years of age who have been approved for
24 35 additional assistance through the department's exception to



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

25 1 policy provisions, but who have health care needs in excess
25 2 of the funding available through the exception to policy
25 3 provisions.

25 4 b. Of the funds appropriated in this section, \$100,000
25 5 shall be used for participation in one or more pilot projects
25 6 operated by a private provider to allow the individual or
25 7 individuals to receive service in the community in accordance
25 8 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
25 9 (1999), for the purpose of providing medical assistance or
25 10 other assistance to individuals with special needs who become
25 11 ineligible to continue receiving services under the early and
25 12 periodic screening, diagnosis, and treatment program under
25 13 the medical assistance program due to becoming 21 years of
25 14 age who have been approved for additional assistance through
25 15 the department's exception to policy provisions, but who have
25 16 health care needs in excess of the funding available through
25 17 the exception to the policy provisions.

25 18 5. Of the funds appropriated in this section, up to
25 19 \$3,050,082 may be transferred to the field operations
25 20 or general administration appropriations in this Act for
25 21 operational costs associated with Part D of the federal
25 22 Medicare Prescription Drug Improvement and Modernization Act
25 23 of 2003, Pub. L. No. 108=173.

25 24 6. Of the funds appropriated in this section, up to \$442,100
25 25 may be transferred to the appropriation in this Act for medical
25 26 contracts to be used for clinical assessment services related
25 27 to remedial services in accordance with federal law.

25 28 7. A portion of the funds appropriated in this section
25 29 may be transferred to the appropriations in this division of
25 30 this Act for general administration, medical contracts, the
25 31 children's health insurance program, or field operations to be
25 32 used for the state match cost to comply with the payment error
25 33 rate measurement (PERM) program for both the medical assistance
25 34 and children's health insurance programs as developed by the
25 35 centers for Medicare and Medicaid services of the United States



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

26 1 department of health and human services to comply with the
26 2 federal Improper Payments Information Act of 2002, Pub. L. No.
26 3 107=300.
26 4 8. It is the intent of the general assembly that the
26 5 department continue to implement the recommendations of
26 6 the assuring better child health and development initiative
26 7 II (ABCDII) clinical panel to the Iowa early and periodic
26 8 screening, diagnostic, and treatment services healthy mental
26 9 development collaborative board regarding changes to billing
26 10 procedures, codes, and eligible service providers.
26 11 9. Of the funds appropriated in this section, a sufficient
26 12 amount is allocated to supplement the incomes of residents of
26 13 nursing facilities, intermediate care facilities for persons
26 14 with mental illness, and intermediate care facilities for
26 15 persons with mental retardation, with incomes of less than \$50
26 16 in the amount necessary for the residents to receive a personal
26 17 needs allowance of \$50 per month pursuant to section 249A.30A.
26 18 10. Of the funds appropriated in this section, the following
26 19 amounts shall be transferred to the appropriations made in this
26 20 division of this Act for the state mental health institutes:
26 21 a. Cherokee mental health institute \$ 9,098,425
26 22 b. Clarinda mental health institute \$ 1,977,305
26 23 c. Independence mental health institute \$ 9,045,894
26 24 d. Mount Pleasant mental health institute \$ 5,752,587
26 25 11. a. Of the funds appropriated in this section,
26 26 \$7,425,684 is allocated for the state match for a
26 27 disproportionate share hospital payment of \$19,133,430 to
26 28 hospitals that meet both of the conditions specified in
26 29 subparagraphs (1) and (2). In addition, the hospitals that
26 30 meet the conditions specified shall either certify public
26 31 expenditures or transfer to the medical assistance program
26 32 an amount equal to provide the nonfederal share for a
26 33 disproportionate share hospital payment of \$7,500,000. The
26 34 hospitals that meet the conditions specified shall receive and
26 35 retain 100 percent of the total disproportionate share hospital



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

27 1 payment of \$26,633,430.
27 2 (1) The hospital qualifies for disproportionate share and
27 3 graduate medical education payments.
27 4 (2) The hospital is an Iowa state-owned hospital with more
27 5 than 500 beds and eight or more distinct residency specialty
27 6 or subspecialty programs recognized by the American college of
27 7 graduate medical education.
27 8 b. Distribution of the disproportionate share payments
27 9 shall be made on a monthly basis. The total amount of
27 10 disproportionate share payments including graduate medical
27 11 education, enhanced disproportionate share, and Iowa
27 12 state-owned teaching hospital payments shall not exceed the
27 13 amount of the state's allotment under Pub. L. No. 102=234.
27 14 In addition, the total amount of all disproportionate
27 15 share payments shall not exceed the hospital-specific
27 16 disproportionate share limits under Pub. L. No. 103=66.
27 17 12. The university of Iowa hospitals and clinics shall
27 18 either certify public expenditures or transfer to the medical
27 19 assistance appropriation an amount equal to provide the
27 20 nonfederal share for increased medical assistance payments for
27 21 inpatient and outpatient hospital services of \$9,900,000. The
27 22 university of Iowa hospitals and clinics shall receive and
27 23 retain 100 percent of the total increase in medical assistance
27 24 payments.
27 25 13. Of the funds appropriated in this section, up to
27 26 \$4,480,304 may be transferred to the IowaCare account created
27 27 in section 249J.24.
27 28 14. Of the funds appropriated in this section, \$200,000
27 29 shall be used for the Iowa chronic care consortium pursuant to
27 30 2003 Iowa Acts, chapter 112, section 12, as amended by 2003
27 31 Iowa Acts, chapter 179, sections 166 and 167.
27 32 15. One hundred percent of the nonfederal share of payments
27 33 to area education agencies that are medical assistance
27 34 providers for medical assistance-covered services provided to
27 35 medical assistance-covered children, shall be made from the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

28 1 appropriation made in this section.
28 2 16. Any new or renewed contract entered into by the
28 3 department with a third party to administer behavioral health
28 4 services under the medical assistance program shall provide
28 5 that any interest earned on payments from the state during
28 6 the state fiscal year shall be remitted to the department
28 7 and treated as recoveries to offset the costs of the medical
28 8 assistance program.
28 9 17. The department shall continue to implement the
28 10 provisions in 2007 Iowa Acts, chapter 218, section 124 and
28 11 section 126, as amended by 2008 Iowa Acts, chapter 1188,
28 12 section 55, relating to eligibility for certain persons with
28 13 disabilities under the medical assistance program in accordance
28 14 with the federal family opportunity Act.
28 15 18. A portion of the funds appropriated in this section
28 16 may be transferred to the appropriation in this division of
28 17 this Act for medical contracts to be used for administrative
28 18 activities associated with the money follows the person
28 19 demonstration project.
28 20 19. Notwithstanding section 8.33, the portion of the
28 21 funds appropriated in this section that is the result of the
28 22 application of the increased federal medical assistance match
28 23 percentage under the federal American Recovery and Reinvestment
28 24 Act of 2009, as amended by the federal Education Jobs and
28 25 Medicaid Assistance Act, Pub. L. No. 111-226, or successor
28 26 legislation to the amount the state pays the federal government
28 27 as required under the federal Medicare Prescription Drug
28 28 Improvement and Modernization Act of 2003, known as clawback
28 29 payments, for the period October 1, 2008, through June 30,
28 30 2011, that remains unobligated or unencumbered at the close of
28 31 the fiscal year, shall not revert to any fund but shall remain
28 32 available for expenditure for the purposes of the medical
28 33 assistance program until the close of the succeeding fiscal
28 34 year.
28 35 20. Of the funds appropriated in this section, \$349,011



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

29 1 shall be used for the administration of the health insurance
29 2 premium payment program, including salaries, support,
29 3 maintenance, and miscellaneous purposes for the fiscal year
29 4 beginning July 1, 2011.

29 5 21. a. The department may increase the amounts allocated
29 6 for salaries, support, maintenance, and miscellaneous purposes
29 7 associated with the medical assistance program as necessary
29 8 to implement cost containment efforts in order to accomplish
29 9 medical assistance program savings. The department shall
29 10 report any such increase to the legislative services agency and
29 11 department of management.

29 12 b. If the savings to the medical assistance program exceed
29 13 the cost, the department may transfer any savings generated
29 14 for the fiscal year due to medical assistance program cost
29 15 containment efforts initiated pursuant to 2010 Iowa Acts,
29 16 chapter 1031, Executive Order No. 20, issued December 16,
29 17 2009, or cost containment efforts initiated by the department
29 18 during fiscal year 2011=2012, to the appropriation made in
29 19 this division of this Act for medical contracts or general
29 20 administration to defray the increased contract costs
29 21 associated with implementing such efforts.

29 22 22. The department may implement cost containment
29 23 strategies recommended by the governor by using a sole
29 24 source contract process or by expanding an existing contract
29 25 without using a competitive process. The department may adopt
29 26 emergency rules to implement the cost containment strategies
29 27 recommended by the governor.

29 28 23. The department shall report the implementation of
29 29 any cost containment strategies under this section to the
29 30 individuals specified in this Act to receive reports on a
29 31 quarterly basis.

29 32 24. Notwithstanding any provision of law to the contrary,
29 33 the department of human services shall amend the section
29 34 1915(b) waiver and Iowa plan contract to include remedial
29 35 services under the Iowa plan contract effective July 1, 2011.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

30 1 Sec. 11. MEDICAL CONTRACTS. There is appropriated from the
30 2 general fund of the state to the department of human services
30 3 for the fiscal year beginning July 1, 2011, and ending June 30,
30 4 2012, the following amount, or so much thereof as is necessary,
30 5 to be used for the purpose designated:

30 6 For medical contracts, including salaries, support,
30 7 maintenance, and miscellaneous purposes, and for not more than
30 8 the following full-time equivalent positions:

| | | |
|-------------|------|-----------|
| 30 9 | \$ | 5,773,844 |
| 30 10 | FTEs | 2.00 |

30 11 The department of inspections and appeals shall provide all
30 12 state matching funds for survey and certification activities
30 13 performed by the department of inspections and appeals.

30 14 The department of human services is solely responsible for
30 15 distributing the federal matching funds for such activities.

30 16 Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.

30 17 1. There is appropriated from the general fund of the
30 18 state to the department of human services for the fiscal year
30 19 beginning July 1, 2011, and ending June 30, 2012, the following
30 20 amount, or so much thereof as is necessary, to be used for the
30 21 purpose designated:

30 22 For the state supplementary assistance program:

| | | |
|-------------|----|------------|
| 30 23 | \$ | 16,850,747 |
|-------------|----|------------|

30 24 2. The department shall increase the personal needs
30 25 allowance for residents of residential care facilities by the
30 26 same percentage and at the same time as federal supplemental
30 27 security income and federal social security benefits are
30 28 increased due to a recognized increase in the cost of living.
30 29 The department may adopt emergency rules to implement this
30 30 subsection.

30 31 3. If during the fiscal year beginning July 1, 2011,
30 32 the department projects that state supplementary assistance
30 33 expenditures for a calendar year will not meet the federal
30 34 pass-through requirement specified in Tit. XVI of the federal
30 35 Social Security Act, section 1618, as codified in 42 U.S.C.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

31 1 { 1382g, the department may take actions including but not
31 2 limited to increasing the personal needs allowance for
31 3 residential care facility residents and making programmatic
31 4 adjustments or upward adjustments of the residential care
31 5 facility or in-home health-related care reimbursement rates
31 6 prescribed in this division of this Act to ensure that federal
31 7 requirements are met. In addition, the department may make
31 8 other programmatic and rate adjustments necessary to remain
31 9 within the amount appropriated in this section while ensuring
31 10 compliance with federal requirements. The department may adopt
31 11 emergency rules to implement the provisions of this subsection.

31 12 Sec. 13. CHILDREN'S HEALTH INSURANCE PROGRAM.

31 13 1. There is appropriated from the general fund of the
31 14 state to the department of human services for the fiscal year
31 15 beginning July 1, 2011, and ending June 30, 2012, the following
31 16 amount, or so much thereof as is necessary, to be used for the
31 17 purpose designated:

31 18 For maintenance of the healthy and well kids in Iowa (hawk=i)
31 19 program pursuant to chapter 514I, including supplemental dental
31 20 services, for receipt of federal financial participation under
31 21 Tit. XXI of the federal Social Security Act, which creates the
31 22 children's health insurance program:

31 23 \$ 32,927,152

31 24 2. If the funds appropriated in this section are
31 25 insufficient to cover the costs of both full coverage services
31 26 and supplemental dental services, priority in expenditure of
31 27 funds shall be given to covering the costs of full coverage
31 28 services.

31 29 Sec. 14. CHILD CARE ASSISTANCE. There is appropriated
31 30 from the general fund of the state to the department of human
31 31 services for the fiscal year beginning July 1, 2011, and ending
31 32 June 30, 2012, the following amount, or so much thereof as is
31 33 necessary, to be used for the purpose designated:

31 34 For child care programs:

31 35 \$ 51,237,662



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

32 1 1. Of the funds appropriated in this section, \$49,868,235
32 2 shall be used for state child care assistance in accordance
32 3 with section 237A.13.
32 4 2. Nothing in this section shall be construed or is
32 5 intended as or shall imply a grant of entitlement for services
32 6 to persons who are eligible for assistance due to an income
32 7 level consistent with the waiting list requirements of section
32 8 237A.13. Any state obligation to provide services pursuant to
32 9 this section is limited to the extent of the funds appropriated
32 10 in this section.
32 11 3. Of the funds appropriated in this section, \$432,453 is
32 12 allocated for the statewide program for child care resource
32 13 and referral services under section 237A.26. A list of the
32 14 registered and licensed child care facilities operating in the
32 15 area served by a child care resource and referral service shall
32 16 be made available to the families receiving state child care
32 17 assistance in that area.
32 18 4. Of the funds appropriated in this section, \$936,974
32 19 is allocated for child care quality improvement initiatives
32 20 including but not limited to the voluntary quality rating
32 21 system in accordance with section 237A.30. The combined state
32 22 and federal funding allocated for quality improvement shall be
32 23 reduced by \$2,000,000 from the amount allocated for quality
32 24 improvement in the prior fiscal year.
32 25 5. The department may use any of the funds appropriated
32 26 in this section as a match to obtain federal funds for use in
32 27 expanding child care assistance and related programs. For
32 28 the purpose of expenditures of state and federal child care
32 29 funding, funds shall be considered obligated at the time
32 30 expenditures are projected or are allocated to the department's
32 31 service areas. Projections shall be based on current and
32 32 projected caseload growth, current and projected provider
32 33 rates, staffing requirements for eligibility determination
32 34 and management of program requirements including data systems
32 35 management, staffing requirements for administration of the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

33 1 program, contractual and grant obligations and any transfers
33 2 to other state agencies, and obligations for decategorization
33 3 or innovation projects.
33 4 6. A portion of the state match for the federal child care
33 5 and development block grant shall be provided as necessary to
33 6 meet federal matching funds requirements through the state
33 7 general fund appropriation made for child development grants
33 8 and other programs for at-risk children in section 279.51.
33 9 7. If a uniform reduction ordered by the governor under
33 10 section 8.31 or other operation of law, transfer, or federal
33 11 funding reduction reduces the appropriation made in this
33 12 section for the fiscal year, the percentage reduction in the
33 13 amount paid out to or on behalf of the families participating
33 14 in the state child care assistance program shall be equal to or
33 15 less than the percentage reduction made for any other purpose
33 16 payable from the appropriation made in this section and the
33 17 federal funding relating to it. The percentage reduction to
33 18 the other allocations made in this section shall be the same as
33 19 the uniform reduction ordered by the governor or the percentage
33 20 change of the federal funding reduction, as applicable.
33 21 If there is an unanticipated increase in federal funding
33 22 provided for state child care assistance, the entire amount
33 23 of the increase shall be used for state child care assistance
33 24 payments. If the appropriations made for purposes of the
33 25 state child care assistance program for the fiscal year are
33 26 determined to be insufficient, it is the intent of the general
33 27 assembly to appropriate sufficient funding for the fiscal year
33 28 in order to avoid establishment of waiting list requirements.
33 29 8. Notwithstanding section 8.33, moneys appropriated in
33 30 this section or received from the federal appropriations made
33 31 for the purposes of this section that remain unencumbered or
33 32 unobligated at the close of the fiscal year shall not revert
33 33 to any fund but shall remain available for expenditure for the
33 34 purposes designated until the close of the succeeding fiscal
33 35 year.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

34 1 Sec. 15. JUVENILE INSTITUTIONS. There is appropriated
34 2 from the general fund of the state to the department of human
34 3 services for the fiscal year beginning July 1, 2011, and ending
34 4 June 30, 2012, the following amounts, or so much thereof as is
34 5 necessary, to be used for the purposes designated:
34 6 1. For operation of the Iowa juvenile home at Toledo and for
34 7 salaries, support, maintenance, and miscellaneous purposes, and
34 8 for not more than the following full-time equivalent positions:
34 9 \$ 8,258,251
34 10 FTEs 125.00
34 11 2. For operation of the state training school at Eldora and
34 12 for salaries, support, maintenance, and miscellaneous purposes,
34 13 and for not more than the following full-time equivalent
34 14 positions:
34 15 \$ 10,638,677
34 16 FTEs 202.70
34 17 Of the funds appropriated in this subsection, \$91,150 shall
34 18 be used for distribution to licensed classroom teachers at this
34 19 and other institutions under the control of the department of
34 20 human services based upon the average student yearly enrollment
34 21 at each institution as determined by the department.
34 22 3. A portion of the moneys appropriated in this section
34 23 shall be used by the state training school and by the Iowa
34 24 juvenile home for grants for adolescent pregnancy prevention
34 25 activities at the institutions in the fiscal year beginning
34 26 July 1, 2011.
34 27 Sec. 16. CHILD AND FAMILY SERVICES.
34 28 1. There is appropriated from the general fund of the
34 29 state to the department of human services for the fiscal year
34 30 beginning July 1, 2011, and ending June 30, 2012, the following
34 31 amount, or so much thereof as is necessary, to be used for the
34 32 purpose designated:
34 33 For child and family services:
34 34 \$ 82,020,163
34 35 2. In order to address a reduction of \$5,200,000 from the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

35 1 amount allocated under the appropriation made for the purposes
35 2 of this section in prior years for purposes of juvenile
35 3 delinquent graduated sanction services, up to \$5,200,000 of the
35 4 amount of federal temporary assistance for needy families block
35 5 grant funding appropriated in this division of this Act for
35 6 child and family services shall be made available for purposes
35 7 of juvenile delinquent graduated sanction services.

35 8 3. The department may transfer funds appropriated in this
35 9 section as necessary to pay the nonfederal costs of services
35 10 reimbursed under the medical assistance program, state child
35 11 care assistance program, or the family investment program which
35 12 are provided to children who would otherwise receive services
35 13 paid under the appropriation in this section. The department
35 14 may transfer funds appropriated in this section to the
35 15 appropriations made in this division of this Act for general
35 16 administration and for field operations for resources necessary
35 17 to implement and operate the services funded in this section.

35 18 4. a. Of the funds appropriated in this section, up to
35 19 \$30,169,129 is allocated as the statewide expenditure target
35 20 under section 232.143 for group foster care maintenance and
35 21 services. If the department projects that such expenditures
35 22 for the fiscal year will be less than the target amount
35 23 allocated in this lettered paragraph, the department may
35 24 reallocate the excess to provide additional funding for shelter
35 25 care or the child welfare emergency services addressed with the
35 26 allocation for shelter care.

35 27 b. If at any time after September 30, 2011, annualization
35 28 of a service area's current expenditures indicates a service
35 29 area is at risk of exceeding its group foster care expenditure
35 30 target under section 232.143 by more than 5 percent, the
35 31 department and juvenile court services shall examine all
35 32 group foster care placements in that service area in order to
35 33 identify those which might be appropriate for termination.
35 34 In addition, any aftercare services believed to be needed
35 35 for the children whose placements may be terminated shall be



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

36 1 identified. The department and juvenile court services shall
36 2 initiate action to set dispositional review hearings for the
36 3 placements identified. In such a dispositional review hearing,
36 4 the juvenile court shall determine whether needed aftercare
36 5 services are available and whether termination of the placement
36 6 is in the best interest of the child and the community.

36 7 5. In accordance with the provisions of section 232.188,
36 8 the department shall continue the child welfare and juvenile
36 9 justice funding initiative during fiscal year 2011=2012. Of
36 10 the funds appropriated in this section, \$1,717,753 is allocated
36 11 specifically for expenditure for fiscal year 2011=2012 through
36 12 the decategorization service funding pools and governance
36 13 boards established pursuant to section 232.188.

36 14 6. A portion of the funds appropriated in this section
36 15 may be used for emergency family assistance to provide other
36 16 resources required for a family participating in a family
36 17 preservation or reunification project or successor project to
36 18 stay together or to be reunified.

36 19 7. Notwithstanding section 234.35 or any other provision
36 20 of law to the contrary, state funding for shelter care and
36 21 the child welfare emergency services contracting implemented
36 22 to provide for or prevent the need for shelter care shall be
36 23 limited in each fiscal year to \$7,170,116. The department may
36 24 execute contracts that result from the department's request
36 25 for proposal, bid number ACFS=11=114, to provide the range of
36 26 child welfare emergency services described in the request for
36 27 proposals, and any subsequent amendments to the request for
36 28 proposals.

36 29 8. Federal funds received by the state during the fiscal
36 30 years beginning July 1, 2011, or July 1, 2012, as the result of
36 31 the expenditure of state funds appropriated during a previous
36 32 state fiscal year for a service or activity funded under this
36 33 section are appropriated to the department to be used as
36 34 additional funding for services and purposes provided for under
36 35 this section. Notwithstanding section 8.33, moneys received



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

37 1 in accordance with this subsection that remain unencumbered or
37 2 unobligated at the close of the fiscal year shall not revert to
37 3 any fund but shall remain available for the purposes designated
37 4 until the close of the succeeding fiscal year.

37 5 9. Of the funds appropriated in this section, at least
37 6 \$3,696,285 shall be used for protective child care assistance.

37 7 10. a. Of the funds appropriated in this section, up to
37 8 \$2,062,488 is allocated for the payment of the expenses of
37 9 court=ordered services provided to juveniles who are under the
37 10 supervision of juvenile court services, which expenses are a
37 11 charge upon the state pursuant to section 232.141, subsection
37 12 4. Of the amount allocated in this lettered paragraph, up to
37 13 \$1,556,287 shall be made available to provide school=based
37 14 supervision of children adjudicated under chapter 232, of which
37 15 not more than \$15,000 may be used for the purpose of training.
37 16 A portion of the cost of each school=based liaison officer
37 17 shall be paid by the school district or other funding source as
37 18 approved by the chief juvenile court officer.

37 19 b. Of the funds appropriated in this section, up to \$748,985
37 20 is allocated for the payment of the expenses of court=ordered
37 21 services provided to children who are under the supervision
37 22 of the department, which expenses are a charge upon the state
37 23 pursuant to section 232.141, subsection 4.

37 24 c. Notwithstanding section 232.141 or any other provision
37 25 of law to the contrary, the amounts allocated in this
37 26 subsection shall be distributed to the judicial districts
37 27 as determined by the state court administrator and to the
37 28 department's service areas as determined by the administrator
37 29 of the department's division of child and family services. The
37 30 state court administrator and the division administrator shall
37 31 make the determination of the distribution amounts on or before
37 32 June 15, 2011.

37 33 d. Notwithstanding chapter 232 or any other provision of
37 34 law to the contrary, a district or juvenile court shall not
37 35 order any service which is a charge upon the state pursuant



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

38 1 to section 232.141 if there are insufficient court=ordered
38 2 services funds available in the district court or departmental
38 3 service area distribution amounts to pay for the service. The
38 4 chief juvenile court officer and the departmental service area
38 5 manager shall encourage use of the funds allocated in this
38 6 subsection such that there are sufficient funds to pay for
38 7 all court=related services during the entire year. The chief
38 8 juvenile court officers and departmental service area managers
38 9 shall attempt to anticipate potential surpluses and shortfalls
38 10 in the distribution amounts and shall cooperatively request the
38 11 state court administrator or division administrator to transfer
38 12 funds between the judicial districts' or departmental service
38 13 areas' distribution amounts as prudent.
38 14 e. Notwithstanding any provision of law to the contrary,
38 15 a district or juvenile court shall not order a county to pay
38 16 for any service provided to a juvenile pursuant to an order
38 17 entered under chapter 232 which is a charge upon the state
38 18 under section 232.141, subsection 4.
38 19 f. Of the funds allocated in this subsection, not more than
38 20 \$83,000 may be used by the judicial branch for administration
38 21 of the requirements under this subsection.
38 22 g. Of the funds allocated in this subsection, \$17,000
38 23 shall be used by the department of human services to support
38 24 the interstate commission for juveniles in accordance with
38 25 the interstate compact for juveniles as provided in section
38 26 232.173.
38 27 11. Of the funds appropriated in this section, \$4,522,602 is
38 28 allocated for juvenile delinquent graduated sanctions services.
38 29 Any state funds saved as a result of efforts by juvenile court
38 30 services to earn federal Tit. IV=E match for juvenile court
38 31 services administration may be used for the juvenile delinquent
38 32 graduated sanctions services.
38 33 12. Of the funds appropriated in this section, \$988,285
38 34 shall be transferred to the department of public health to
38 35 be used for the child protection center grant program in



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

39 1 accordance with section 135.118.
39 2 13. If the department receives federal approval to
39 3 implement a waiver under Tit. IV=E of the federal Social
39 4 Security Act to enable providers to serve children who remain
39 5 in the children's families and communities, for purposes of
39 6 eligibility under the medical assistance program, children who
39 7 participate in the waiver shall be considered to be placed in
39 8 foster care.
39 9 14. Of the funds appropriated in this section, \$3,069,832 is
39 10 allocated for the preparation for adult living program pursuant
39 11 to section 234.46.
39 12 15. Of the funds appropriated in this section, \$520,150
39 13 shall be used for juvenile drug courts. The amount allocated
39 14 in this subsection shall be distributed as follows:
39 15 To the judicial branch for salaries to assist with the
39 16 operation of juvenile drug court programs operated in the
39 17 following jurisdictions:
39 18 a. Marshall county:
39 19 \$ 62,708
39 20 b. Woodbury county:
39 21 \$ 125,682
39 22 c. Polk county:
39 23 \$ 195,892
39 24 d. The third judicial district:
39 25 \$ 67,934
39 26 e. The eighth judicial district:
39 27 \$ 67,934
39 28 16. Of the funds appropriated in this section, \$227,337
39 29 shall be used for the public purpose of providing a grant to
39 30 a nonprofit human services organization providing services to
39 31 individuals and families in multiple locations in southwest
39 32 Iowa and Nebraska for support of a project providing immediate,
39 33 sensitive support and forensic interviews, medical exams, needs
39 34 assessments, and referrals for victims of child abuse and their
39 35 nonoffending family members.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

40 1 17. Of the funds appropriated in this section, \$125,590
40 2 is allocated for the elevate approach of providing a support
40 3 network to children placed in foster care.
40 4 18. Of the funds appropriated in this section, \$202,000 is
40 5 allocated for use pursuant to section 235A.1 for continuation
40 6 of the initiative to address child sexual abuse implemented
40 7 pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection
40 8 21.
40 9 19. Of the funds appropriated in this section, \$630,240 is
40 10 allocated for the community partnership for child protection
40 11 sites.
40 12 20. Of the funds appropriated in this section, \$371,250
40 13 is allocated for the department's minority youth and family
40 14 projects under the redesign of the child welfare system.
40 15 21. Of the funds appropriated in this section, \$1,200,495
40 16 is allocated for funding of the state match for the federal
40 17 substance abuse and mental health services administration
40 18 (SAMHSA) system of care grant.
40 19 22. Of the funds appropriated in this section, at least
40 20 \$147,158 shall be used for the child welfare training academy.
40 21 23. Of the funds appropriated in this section, \$25,000
40 22 shall be used for the public purpose of providing a grant to
40 23 a child welfare services provider headquartered in a county
40 24 with a population between 205,000 and 215,000 in the latest
40 25 certified federal census that provides multiple services
40 26 including but not limited to a psychiatric medical institution
40 27 for children, shelter, residential treatment, after school
40 28 programs, school-based programming, and an Asperger's syndrome
40 29 program, to be used for support services for children with
40 30 autism spectrum disorder and their families.
40 31 Sec. 17. ADOPTION SUBSIDY.
40 32 1. There is appropriated from the general fund of the
40 33 state to the department of human services for the fiscal year
40 34 beginning July 1, 2011, and ending June 30, 2012, the following
40 35 amount, or so much thereof as is necessary, to be used for the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

41 1 purpose designated:
41 2 For adoption subsidy payments and services:
41 3 \$ 36,697,591
41 4 2. The department may transfer funds appropriated in this
41 5 section to the appropriation made in this Act for general
41 6 administration for costs paid from the appropriation relating
41 7 to adoption subsidy.
41 8 3. Federal funds received by the state during the
41 9 fiscal year beginning July 1, 2011, as the result of the
41 10 expenditure of state funds during a previous state fiscal
41 11 year for a service or activity funded under this section are
41 12 appropriated to the department to be used as additional funding
41 13 for the services and activities funded under this section.
41 14 Notwithstanding section 8.33, moneys received in accordance
41 15 with this subsection that remain unencumbered or unobligated
41 16 at the close of the fiscal year shall not revert to any fund
41 17 but shall remain available for expenditure for the purposes
41 18 designated until the close of the succeeding fiscal year.
41 19 Sec. 18. JUVENILE DETENTION HOME FUND. Moneys deposited
41 20 in the juvenile detention home fund created in section 232.142
41 21 during the fiscal year beginning July 1, 2011, and ending June
41 22 30, 2012, are appropriated to the department of human services
41 23 for the fiscal year beginning July 1, 2011, and ending June 30,
41 24 2012, for distribution of an amount equal to a percentage of
41 25 the costs of the establishment, improvement, operation, and
41 26 maintenance of county or multicounty juvenile detention homes
41 27 in the fiscal year beginning July 1, 2010. Moneys appropriated
41 28 for distribution in accordance with this section shall be
41 29 allocated among eligible detention homes, prorated on the basis
41 30 of an eligible detention home's proportion of the costs of all
41 31 eligible detention homes in the fiscal year beginning July
41 32 1, 2010. The percentage figure shall be determined by the
41 33 department based on the amount available for distribution for
41 34 the fund. Notwithstanding section 232.142, subsection 3, the
41 35 financial aid payable by the state under that provision for the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

42 1 fiscal year beginning July 1, 2011, shall be limited to the
42 2 amount appropriated for the purposes of this section.
42 3 Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM.
42 4 1. There is appropriated from the general fund of the
42 5 state to the department of human services for the fiscal year
42 6 beginning July 1, 2011, and ending June 30, 2012, the following
42 7 amount, or so much thereof as is necessary, to be used for the
42 8 purpose designated:
42 9 For the family support subsidy program subject to the
42 10 enrollment restrictions in section 225C.37, subsection 3:
42 11 \$ 1,167,998
42 12 2. The department shall use at least \$385,500 of the moneys
42 13 appropriated in this section for the family support program center
42 14 component of the comprehensive family support program under
42 15 section 225C.47. Not more than \$25,000 of the amount allocated
42 16 in this subsection shall be used for administrative costs.
42 17 3. If at any time during the fiscal year, the amount of
42 18 funding available for the family support subsidy program
42 19 is reduced from the amount initially used to establish the
42 20 figure for the number of family members for whom a subsidy
42 21 is to be provided at any one time during the fiscal year,
42 22 notwithstanding section 225C.38, subsection 2, the department
42 23 shall revise the figure as necessary to conform to the amount
42 24 of funding available.
42 25 Sec. 20. CONNER DECREE. There is appropriated from the
42 26 general fund of the state to the department of human services
42 27 for the fiscal year beginning July 1, 2011, and ending June 30,
42 28 2012, the following amount, or so much thereof as is necessary,
42 29 to be used for the purpose designated:
42 30 For building community capacity through the coordination
42 31 and provision of training opportunities in accordance with the
42 32 consent decree of Conner v. Branstad, No. 4=86=CV=30871(S.D.
42 33 Iowa, July 14, 1994):
42 34 \$ 33,622
42 35 Sec. 21. MENTAL HEALTH INSTITUTES.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

43 1 1. There is appropriated from the general fund of the
43 2 state to the department of human services for the fiscal year
43 3 beginning July 1, 2011, and ending June 30, 2012, the following
43 4 amounts, or so much thereof as is necessary, to be used for the
43 5 purposes designated:
43 6 a. For the state mental health institute at Cherokee for
43 7 salaries, support, maintenance, and miscellaneous purposes, and
43 8 for not more than the following full-time equivalent positions:
43 9 \$ 5,877,308
43 10 FTEs 177.83
43 11 b. For the state mental health institute at Clarinda for
43 12 salaries, support, maintenance, and miscellaneous purposes, and
43 13 for not more than the following full-time equivalent positions:
43 14 \$ 6,411,734
43 15 FTEs 99.20
43 16 c. For the state mental health institute at Independence for
43 17 salaries, support, maintenance, and miscellaneous purposes, and
43 18 for not more than the following full-time equivalent positions:
43 19 \$ 10,275,685
43 20 FTEs 248.00
43 21 d. For the state mental health institute at Mount Pleasant
43 22 for salaries, support, maintenance, and miscellaneous purposes,
43 23 and for not more than the following full-time equivalent
43 24 positions:
43 25 \$ 944,323
43 26 FTEs 97.72
43 27 2. The department, as part of efforts to develop and
43 28 implement the comprehensive mental health and disability
43 29 services plan as provided in section 225C.6B, shall review
43 30 services provided by or offered at the state mental health
43 31 institutes and may modify such services to further the plan
43 32 and provide cost-effective and necessary services. As part
43 33 of the review, the department shall consult with stakeholders
43 34 concerning developing subacute mental health care options at
43 35 the institutes. In addition, the department shall consider the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

44 1 feasibility of developing treatment facilities of sixteen beds
44 2 or fewer that would be eligible for federal Medicaid program
44 3 match; identify provisions to increase the participation of
44 4 students of medical, dental, psychiatry, psychology, social
44 5 work, and other health care and behavioral health professions
44 6 in clinical practice training at the institutions administered
44 7 by the department; and develop methods for the department
44 8 and the judicial branch to facilitate regular meetings and
44 9 other communication between representatives of the criminal
44 10 justice system, service providers, county central point of
44 11 coordination administrators, other pertinent state agencies,
44 12 and other stakeholders to improve the processes for involuntary
44 13 commitment for chronic substance abuse under chapter 125 and
44 14 serious mental illness under chapter 229.

44 15 Sec. 22. STATE RESOURCE CENTERS.

44 16 1. There is appropriated from the general fund of the
44 17 state to the department of human services for the fiscal year
44 18 beginning July 1, 2011, and ending June 30, 2012, the following
44 19 amounts, or so much thereof as is necessary, to be used for the
44 20 purposes designated:

44 21 a. For the state resource center at Glenwood for salaries,
44 22 support, maintenance, and miscellaneous purposes:

44 23 \$ 18,807,801

44 24 b. For the state resource center at Woodward for salaries,
44 25 support, maintenance, and miscellaneous purposes:

44 26 \$ 13,085,658

44 27 2. The department may continue to bill for state resource
44 28 center services utilizing a scope of services approach used for
44 29 private providers of ICFMR services, in a manner which does not
44 30 shift costs between the medical assistance program, counties,
44 31 or other sources of funding for the state resource centers.

44 32 3. The state resource centers may expand the time=limited
44 33 assessment and respite services during the fiscal year.

44 34 4. If the department's administration and the department
44 35 of management concur with a finding by a state resource



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

45 1 center's superintendent that projected revenues can reasonably
45 2 be expected to pay the salary and support costs for a new
45 3 employee position, or that such costs for adding a particular
45 4 number of new positions for the fiscal year would be less
45 5 than the overtime costs if new positions would not be added,
45 6 the superintendent may add the new position or positions. If
45 7 the vacant positions available to a resource center do not
45 8 include the position classification desired to be filled, the
45 9 state resource center's superintendent may reclassify any
45 10 vacant position as necessary to fill the desired position. The
45 11 superintendents of the state resource centers may, by mutual
45 12 agreement, pool vacant positions and position classifications
45 13 during the course of the fiscal year in order to assist one
45 14 another in filling necessary positions.

45 15 5. If existing capacity limitations are reached in
45 16 operating units, a waiting list is in effect for a service or
45 17 a special need for which a payment source or other funding
45 18 is available for the service or to address the special need,
45 19 and facilities for the service or to address the special need
45 20 can be provided within the available payment source or other
45 21 funding, the superintendent of a state resource center may
45 22 authorize opening not more than two units or other facilities
45 23 and begin implementing the service or addressing the special
45 24 need during fiscal year 2011=2012.

45 25 Sec. 23. MI/MR/DD STATE CASES.

45 26 1. There is appropriated from the general fund of the
45 27 state to the department of human services for the fiscal year
45 28 beginning July 1, 2011, and ending June 30, 2012, the following
45 29 amount, or so much thereof as is necessary, to be used for the
45 30 purpose designated:

45 31 For distribution to counties for state case services
45 32 for persons with mental illness, mental retardation, and
45 33 developmental disabilities in accordance with section 331.440:
45 34 \$ 12,169,482

45 35 2. For the fiscal year beginning July 1, 2011, and ending



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

46 1 June 30, 2012, \$200,000 is allocated for state case services
46 2 from the amounts appropriated from the fund created in section
46 3 8.41 to the department of human services from the funds
46 4 received from the federal government under 42 U.S.C. ch. 6A,
46 5 subch. XVII, relating to the community mental health center
46 6 block grant, for the federal fiscal years beginning October
46 7 1, 2009, and ending September 30, 2010, beginning October 1,
46 8 2010, and ending September 30, 2011, and beginning October 1,
46 9 2011, and ending September 30, 2012. The allocation made in
46 10 this subsection shall be made prior to any other distribution
46 11 allocation of the appropriated federal funds.
46 12 3. Notwithstanding section 8.33, moneys appropriated in
46 13 this section that remain unencumbered or unobligated at the
46 14 close of the fiscal year shall not revert but shall remain
46 15 available for expenditure for the purposes designated until the
46 16 close of the succeeding fiscal year.
46 17 Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES
46 18 ==== COMMUNITY SERVICES FUND. There is appropriated from
46 19 the general fund of the state to the mental health and
46 20 developmental disabilities community services fund created in
46 21 section 225C.7 for the fiscal year beginning July 1, 2011, and
46 22 ending June 30, 2012, the following amount, or so much thereof
46 23 as is necessary, to be used for the purpose designated:
46 24 For mental health and developmental disabilities community
46 25 services in accordance with this division of this Act:
46 26 \$ 14,211,100
46 27 1. Of the funds appropriated in this section, \$14,187,556
46 28 shall be allocated to counties for funding of community-based
46 29 mental health and developmental disabilities services. The
46 30 moneys shall be allocated to a county as follows:
46 31 a. Fifty percent based upon the county's proportion of the
46 32 state's population of persons with an annual income which is
46 33 equal to or less than the poverty guideline established by the
46 34 federal office of management and budget.
46 35 b. Fifty percent based upon the county's proportion of the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

47 1 state's general population.

47 2 2. a. A county shall utilize the funding the county
47 3 receives pursuant to subsection 1 for services provided to
47 4 persons with a disability, as defined in section 225C.2.

47 5 However, no more than 50 percent of the funding shall be used
47 6 for services provided to any one of the service populations.

47 7 b. A county shall use at least 50 percent of the funding the
47 8 county receives under subsection 1 for contemporary services
47 9 provided to persons with a disability, as described in rules
47 10 adopted by the department.

47 11 3. Of the funds appropriated in this section, \$23,544
47 12 shall be used to support the Iowa compass program providing
47 13 computerized information and referral services for Iowans with
47 14 disabilities and their families.

47 15 4. a. Funding appropriated for purposes of the federal
47 16 social services block grant is allocated for distribution
47 17 to counties for local purchase of services for persons with
47 18 mental illness or mental retardation or other developmental
47 19 disability.

47 20 b. The funds allocated in this subsection shall be expended
47 21 by counties in accordance with the county's county management
47 22 plan approved by the board of supervisors. A county without
47 23 an approved county management plan shall not receive allocated
47 24 funds until the county's management plan is approved.

47 25 c. The funds provided by this subsection shall be allocated
47 26 to each county as follows:

47 27 (1) Fifty percent based upon the county's proportion of the
47 28 state's population of persons with an annual income which is
47 29 equal to or less than the poverty guideline established by the
47 30 federal office of management and budget.

47 31 (2) Fifty percent based upon the amount provided to the
47 32 county for local purchase of services in the preceding fiscal
47 33 year.

47 34 5. A county is eligible for funds under this section if the
47 35 county qualifies for a state payment as described in section



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

48 1 331.439.

48 2 6. The latest certified census issued by the United States
48 3 bureau of the census shall be applied for the population
48 4 factors utilized in this section.

48 5 Sec. 25. SEXUALLY VIOLENT PREDATORS.

48 6 1. There is appropriated from the general fund of the
48 7 state to the department of human services for the fiscal year
48 8 beginning July 1, 2011, and ending June 30, 2012, the following
48 9 amount, or so much thereof as is necessary, to be used for the
48 10 purpose designated:

48 11 For costs associated with the commitment and treatment of
48 12 sexually violent predators in the unit located at the state
48 13 mental health institute at Cherokee, including costs of legal
48 14 services and other associated costs, including salaries,
48 15 support, maintenance, and miscellaneous purposes, and for not
48 16 more than the following full-time equivalent positions:

| | |
|-------------|--------------|
| 48 17 | \$ 7,550,727 |
| 48 18 | FTEs 89.00 |

48 19 2. Unless specifically prohibited by law, if the amount
48 20 charged provides for recoupment of at least the entire amount
48 21 of direct and indirect costs, the department of human services
48 22 may contract with other states to provide care and treatment
48 23 of persons placed by the other states at the unit for sexually
48 24 violent predators at Cherokee. The moneys received under
48 25 such a contract shall be considered to be repayment receipts
48 26 and used for the purposes of the appropriation made in this
48 27 section.

48 28 Sec. 26. FIELD OPERATIONS. There is appropriated from the
48 29 general fund of the state to the department of human services
48 30 for the fiscal year beginning July 1, 2011, and ending June 30,
48 31 2012, the following amount, or so much thereof as is necessary,
48 32 to be used for the purposes designated:

48 33 For field operations, including salaries, support,
48 34 maintenance, and miscellaneous purposes, and for not more than
48 35 the following full-time equivalent positions:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

49 1 \$ 53,939,921
49 2 FTEs 1,702.00
49 3 Priority in filling full-time equivalent positions shall be
49 4 given to those positions related to child protection services
49 5 and eligibility determination for low-income families.
49 6 Sec. 27. GENERAL ADMINISTRATION. There is appropriated
49 7 from the general fund of the state to the department of human
49 8 services for the fiscal year beginning July 1, 2011, and ending
49 9 June 30, 2012, the following amount, or so much thereof as is
49 10 necessary, to be used for the purpose designated:
49 11 For general administration, including salaries, support,
49 12 maintenance, and miscellaneous purposes, and for not more than
49 13 the following full-time equivalent positions:
49 14 \$ 15,146,745
49 15 FTEs 282.00
49 16 1. Of the funds appropriated in this section, \$43,700
49 17 allocated for the prevention of disabilities policy council
49 18 established in section 225B.3.
49 19 2. The department shall report at least monthly to the
49 20 legislative services agency concerning the department's
49 21 operational and program expenditures.
49 22 3. Of the funds appropriated in this section, \$150,000 shall
49 23 be used to implement a program to provide technical assistance,
49 24 support, and consultation to providers of habilitation services
49 25 and home and community-based waiver services for adults with
49 26 disabilities under the medical assistance program.
49 27 4. Of the funds appropriated in this section, \$200,000 shall
49 28 be used to expand the provision of nationally accredited and
49 29 recognized internet-based training to include mental health and
49 30 disability services providers.
49 31 Sec. 28. VOLUNTEERS. There is appropriated from the general
49 32 fund of the state to the department of human services for the
49 33 fiscal year beginning July 1, 2011, and ending June 30, 2012,
49 34 the following amount, or so much thereof as is necessary, to be
49 35 used for the purpose designated:



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

50 1 For development and coordination of volunteer services:
50 2 \$ 84,660
50 3 Sec. 29. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
50 4 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
50 5 DEPARTMENT OF HUMAN SERVICES.
50 6 1. a. (1) For the fiscal year beginning July 1, 2011,
50 7 the total state funding amount for the nursing facility budget
50 8 shall not exceed \$224,835,691.
50 9 (2) For the fiscal year beginning July 1, 2011, the
50 10 department shall rebase case=mix nursing facility rates
50 11 effective July 1, 2011. However, total nursing facility budget
50 12 expenditures, including both case=mix and noncase=mix shall
50 13 not exceed the amount specified in subparagraph (1). When
50 14 calculating case=mix per diem cost and the patient=day=weighted
50 15 medians used in rate=setting for nursing facilities effective
50 16 July 1, 2011, the inflation factor applied from the midpoint
50 17 of the cost report period to the first day of the state fiscal
50 18 year rate period shall be adjusted to maintain state funding
50 19 within the amount specified in subparagraph (1).
50 20 (3) The department, in cooperation with nursing facility
50 21 representatives, shall review projections for state funding
50 22 expenditures for reimbursement of nursing facilities on a
50 23 quarterly basis and the department shall determine if an
50 24 adjustment to the medical assistance reimbursement rate is
50 25 necessary in order to provide reimbursement within the state
50 26 funding amount for the fiscal year. Notwithstanding 2001
50 27 Iowa Acts, chapter 192, section 4, subsection 2, paragraph
50 28 "c", and subsection 3, paragraph "a", subparagraph (2),
50 29 if the state funding expenditures for the nursing facility
50 30 budget for the fiscal year is projected to exceed the amount
50 31 specified in subparagraph (1), the department shall adjust
50 32 the reimbursement for nursing facilities reimbursed under the
50 33 case=mix reimbursement system to maintain expenditures of the
50 34 nursing facility budget within the specified amount for the
50 35 fiscal year.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

51 1 (4) For the fiscal year beginning July 1, 2011, special
51 2 population nursing facilities shall be reimbursed in accordance
51 3 with the methodology in effect on June 30, 2011.
51 4 b. For the fiscal year beginning July 1, 2011, the
51 5 department shall reimburse pharmacy dispensing fees using a
51 6 single rate of \$4.34 per prescription or the pharmacy's usual
51 7 and customary fee, whichever is lower.
51 8 c. (1) For the fiscal year beginning July 1, 2011,
51 9 reimbursement rates for outpatient hospital services shall be
51 10 rebased effective January 1, 2012.
51 11 (2) For the fiscal year beginning July 1, 2011,
51 12 reimbursement rates for inpatient hospital services shall be
51 13 rebased effective October 1, 2011.
51 14 (3) The total amount of increased funding available for
51 15 reimbursement attributable to rebasing under this paragraph
51 16 for the fiscal year beginning July 1, 2011, shall not exceed
51 17 \$4,500,000.
51 18 (4) For the fiscal year beginning July 1, 2011, the graduate
51 19 medical education and disproportionate share hospital fund
51 20 shall remain at the amount in effect on June 30, 2011.
51 21 (5) In order to ensure the efficient use of limited state
51 22 funds in procuring health care services for low-income Iowans,
51 23 funds appropriated in this Act for hospital services shall
51 24 not be used for activities which would be excluded from a
51 25 determination of reasonable costs under the federal Medicare
51 26 program pursuant to 42 U.S.C. { 1395X(v) (1) (N).
51 27 d. For the fiscal year beginning July 1, 2011, reimbursement
51 28 rates for rural health clinics, hospices, and acute mental
51 29 hospitals shall be increased in accordance with increases under
51 30 the federal Medicare program or as supported by their Medicare
51 31 audited costs.
51 32 e. For the fiscal year beginning July 1, 2011, independent
51 33 laboratories and rehabilitation agencies shall be reimbursed
51 34 using the same methodology in effect on June 30, 2011.
51 35 f. For the fiscal year beginning July 1, 2011, reimbursement



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

52 1 rates for home health agencies shall remain at the rates in
52 2 effect on June 30, 2011, not to exceed a home health agency's
52 3 actual allowable cost.
52 4 g. For the fiscal year beginning July 1, 2011, federally
52 5 qualified health centers shall receive cost-based reimbursement
52 6 for 100 percent of the reasonable costs for the provision of
52 7 services to recipients of medical assistance.
52 8 h. For the fiscal year beginning July 1, 2011, the
52 9 reimbursement rates for dental services shall remain at the
52 10 rates in effect on June 30, 2011.
52 11 i. For the fiscal year beginning July 1, 2011, state-owned
52 12 psychiatric medical institutions for children shall receive
52 13 cost-based reimbursement for 100 percent of the actual and
52 14 allowable costs for the provision of services to recipients of
52 15 medical assistance. For nonstate-owned psychiatric medical
52 16 institutions for children, reimbursement rates shall remain at
52 17 the rates in effect on June 30, 2011.
52 18 j. For the fiscal year beginning July 1, 2011, unless
52 19 otherwise specified in this Act, all noninstitutional medical
52 20 assistance provider reimbursement rates shall remain at the
52 21 rates in effect on June 30, 2011, except for area education
52 22 agencies, local education agencies, infant and toddler services
52 23 providers, and those providers whose rates are required to be
52 24 determined pursuant to section 249A.20.
52 25 k. Notwithstanding any provision to the contrary, for the
52 26 fiscal year beginning July 1, 2011, the reimbursement rate for
52 27 anesthesiologists shall remain at the rate in effect on June
52 28 30, 2011.
52 29 l. Notwithstanding section 249A.20, for the fiscal year
52 30 beginning July 1, 2011, the average reimbursement rate for
52 31 health care providers eligible for use of the federal Medicare
52 32 resource-based relative value scale reimbursement methodology
52 33 under that section shall remain at the rate in effect on June
52 34 30, 2011; however, this rate shall not exceed the maximum level
52 35 authorized by the federal government.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

53 1 m. For the fiscal year beginning July 1, 2011, the
53 2 reimbursement rate for residential care facilities shall not
53 3 be less than the minimum payment level as established by the
53 4 federal government to meet the federally mandated maintenance
53 5 of effort requirement. The flat reimbursement rate for
53 6 facilities electing not to file annual cost reports shall not
53 7 be less than the minimum payment level as established by the
53 8 federal government to meet the federally mandated maintenance
53 9 of effort requirement.

53 10 n. For the fiscal year beginning July 1, 2011, inpatient
53 11 mental health services provided at hospitals shall remain at
53 12 the rates in effect on June 30, 2011, subject to Medicaid
53 13 program upper payment limit rules; community mental health
53 14 centers and providers of mental health services to county
53 15 residents pursuant to a waiver approved under section 225C.7,
53 16 subsection 3, shall be reimbursed at 100 percent of the
53 17 reasonable costs for the provision of services to recipients of
53 18 medical assistance; and psychiatrists shall be reimbursed at
53 19 the medical assistance program fee for service rate.

53 20 o. For the fiscal year beginning July 1, 2011, the
53 21 reimbursement rate for consumer-directed attendant care shall
53 22 remain at the rates in effect on June 30, 2011.

53 23 p. For the fiscal year beginning July 1, 2011, the
53 24 reimbursement rate for providers of family planning services
53 25 that are eligible to receive a 90 percent federal match shall
53 26 remain at the rates in effect on June 30, 2011.

53 27 2. For the fiscal year beginning July 1, 2011, the
53 28 reimbursement rate for providers reimbursed under the
53 29 in-home-related care program shall not be less than the minimum
53 30 payment level as established by the federal government to meet
53 31 the federally mandated maintenance of effort requirement.

53 32 3. Unless otherwise directed in this section, when the
53 33 department's reimbursement methodology for any provider
53 34 reimbursed in accordance with this section includes an
53 35 inflation factor, this factor shall not exceed the amount



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

54 1 by which the consumer price index for all urban consumers
54 2 increased during the calendar year ending December 31, 2002.
54 3 4. For the fiscal year beginning July 1, 2011,
54 4 notwithstanding section 234.38, the foster family basic daily
54 5 maintenance rate and the maximum adoption subsidy rate for
54 6 children ages 0 through 5 years shall be \$15.74, the rate for
54 7 children ages 6 through 11 years shall be \$16.37, the rate for
54 8 children ages 12 through 15 years shall be \$17.92, and the
54 9 rate for children and young adults ages 16 and older shall be
54 10 \$18.16. The maximum supervised apartment living foster care
54 11 reimbursement rate shall be \$25.00 per day. For youth ages
54 12 18 to 21 who have exited foster care, the maximum preparation
54 13 for adult living program maintenance rate shall be \$574.00 per
54 14 month.

54 15 5. For the fiscal year beginning July 1, 2011, the maximum
54 16 reimbursement rates under the supervised apartment living
54 17 program and for social services providers under contract
54 18 shall remain at the rates in effect on June 30, 2011, or the
54 19 provider's actual and allowable cost plus inflation for each
54 20 service, whichever is less. However, if a new service or
54 21 service provider is added after June 30, 2011, the initial
54 22 reimbursement rate for the service or provider shall be
54 23 based upon actual and allowable costs. Providers may also
54 24 be eligible for an additional amount as specified under the
54 25 department's request for proposal, bid number ACFS=11=115.

54 26 6. For the fiscal year beginning July 1, 2011, the
54 27 reimbursement rates for family-centered service providers,
54 28 family foster care service providers, group foster care service
54 29 providers, and the resource family recruitment and retention
54 30 contractor shall remain at the rates in effect on June 30,
54 31 2011.

54 32 7. The group foster care reimbursement rates paid for
54 33 placement of children out of state shall be calculated
54 34 according to the same rate-setting principles as those used for
54 35 in-state providers, unless the director of human services or



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

55 1 the director's designee determines that appropriate care cannot
55 2 be provided within the state. The payment of the daily rate
55 3 shall be based on the number of days in the calendar month in
55 4 which service is provided.

55 5 8. For the fiscal year beginning July 1, 2011, remedial
55 6 service providers shall receive the same level of reimbursement
55 7 under the same methodology in effect on June 30, 2011.

55 8 9. a. For the fiscal year beginning July 1, 2011, the
55 9 reimbursement rate paid for shelter care and the child welfare
55 10 emergency services implemented to provide or prevent the need
55 11 for shelter care shall be established in a contract based on
55 12 the requirements of the department's request for proposal, bid
55 13 number ACFS=11=114.

55 14 b. For the fiscal year beginning July 1, 2011, the combined
55 15 service and maintenance components of the reimbursement rate
55 16 paid for shelter care services shall be based on the financial
55 17 and statistical report submitted to the department. The
55 18 maximum reimbursement rate shall be \$92.36 per day. The
55 19 department shall reimburse a shelter care provider at the
55 20 provider's actual and allowable unit cost, plus inflation, not
55 21 to exceed the maximum reimbursement rate.

55 22 c. Notwithstanding section 232.141, subsection 8, for the
55 23 fiscal year beginning July 1, 2011, the amount of the statewide
55 24 average of the actual and allowable rates for reimbursement of
55 25 juvenile shelter care homes that is utilized for the limitation
55 26 on recovery of unpaid costs shall remain at the amount in
55 27 effect for this purpose in the fiscal year beginning July 1,
55 28 2010.

55 29 10. For the fiscal year beginning July 1, 2011, the
55 30 department shall calculate reimbursement rates for intermediate
55 31 care facilities for persons with mental retardation at the
55 32 80th percentile. Beginning July 1, 2011, the rate calculation
55 33 methodology shall utilize the consumer price index inflation
55 34 factor applicable to the fiscal year beginning July 1, 2011.

55 35 11. For the fiscal year beginning July 1, 2011, for child



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

56 1 care providers reimbursed under the state child care assistance
56 2 program, the department shall set provider reimbursement
56 3 rates based on the rate reimbursement survey completed in
56 4 December 2004. Effective July 1, 2011, the child care provider
56 5 reimbursement rates shall remain at the rates in effect on June
56 6 30, 2011. The department shall set rates in a manner so as
56 7 to provide incentives for a nonregistered provider to become
56 8 registered by applying the increase only to registered and
56 9 licensed providers.

56 10 12. The department shall adopt rules to replace the medical
56 11 assistance drug reimbursement methodology of average wholesale
56 12 price minus 12 percent with a reimbursement methodology based
56 13 on average acquisition cost for covered brand-name prescription
56 14 drugs, generic drugs, and over-the-counter drugs. For the
56 15 purposes of this subsection, "average acquisition cost" means
56 16 the average amount paid by pharmacies to suppliers including
56 17 wholesalers and manufacturers for the drugs. Payment under the
56 18 average acquisition cost methodology shall be subject to the
56 19 upper limits specified in 42 C.F.R. §§ 447.500 through 447.520.

56 20 13. The department may adopt emergency rules to implement
56 21 this section.

56 22 Sec. 30. EMERGENCY RULES.

56 23 1. If specifically authorized by a provision of this
56 24 division of this Act, the department of human services or
56 25 the mental health, and disability services commission may
56 26 adopt administrative rules under section 17A.4, subsection
56 27 3, and section 17A.5, subsection 2, paragraph "b", to
56 28 implement the provisions and the rules shall become effective
56 29 immediately upon filing or on a later effective date specified
56 30 in the rules, unless the effective date is delayed by the
56 31 administrative rules review committee. Any rules adopted in
56 32 accordance with this section shall not take effect before
56 33 the rules are reviewed by the administrative rules review
56 34 committee. The delay authority provided to the administrative
56 35 rules review committee under section 17A.4, subsection 7, and



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

57 1 section 17A.8, subsection 9, shall be applicable to a delay
57 2 imposed under this section, notwithstanding a provision in
57 3 those sections making them inapplicable to section 17A.5,
57 4 subsection 2, paragraph "b". Any rules adopted in accordance
57 5 with the provisions of this section shall also be published as
57 6 notice of intended action as provided in section 17A.4.
57 7 2. If during the fiscal year beginning July 1, 2011, the
57 8 department of human services is adopting rules in accordance
57 9 with this section or as otherwise directed or authorized by
57 10 state law, and the rules will result in an expenditure increase
57 11 beyond the amount anticipated in the budget process or if the
57 12 expenditure was not addressed in the budget process for the
57 13 fiscal year, the department shall notify the persons designated
57 14 by this division of this Act for submission of reports,
57 15 the chairpersons and ranking members of the committees on
57 16 appropriations, and the department of management concerning the
57 17 rules and the expenditure increase. The notification shall be
57 18 provided at least 30 calendar days prior to the date notice of
57 19 the rules is submitted to the administrative rules coordinator
57 20 and the administrative code editor.
57 21 Sec. 31. REPORTS. Any reports or information required to be
57 22 compiled and submitted under this Act shall be submitted to the
57 23 chairpersons and ranking members of the joint appropriations
57 24 subcommittee on health and human services, the legislative
57 25 services agency, and the legislative caucus staffs on or
57 26 before the dates specified for submission of the reports or
57 27 information.
57 28 Sec. 32. EFFECTIVE DATE. The following provision of this
57 29 division of this Act, being deemed of immediate importance,
57 30 take effect upon enactment:
57 31 The provision under the appropriation for child and family
57 32 services, relating to requirements of section 232.143 for
57 33 representatives of the department of human services and
57 34 juvenile court services to establish a plan for continuing
57 35 group foster care expenditures for fiscal year 2011=2012.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

58 1 DIVISION V
58 2 PHARMACEUTICAL SETTLEMENT ACCOUNT,
58 3 IOWACARE ACCOUNT, HEALTH CARE
58 4 TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT,
58 5 QUALITY ASSURANCE TRUST FUND,
58 6 AND HOSPITAL HEALTH CARE ACCESS TRUST FUND
58 7 Sec. 33. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
58 8 appropriated from the pharmaceutical settlement account created
58 9 in section 249A.33 to the department of human services for the
58 10 fiscal year beginning July 1, 2011, and ending June 30, 2012,
58 11 the following amount, or so much thereof as is necessary, to be
58 12 used for the purpose designated:
58 13 Notwithstanding any provision of law to the contrary, to
58 14 supplement the appropriations made in this Act for medical
58 15 contracts under the medical assistance program:
58 16 \$ 5,027,613
58 17 Sec. 34. APPROPRIATIONS FROM IOWACARE ACCOUNT.
58 18 1. There is appropriated from the IowaCare account
58 19 created in section 249J.24 to the state board of regents for
58 20 distribution to the university of Iowa hospitals and clinics
58 21 for the fiscal year beginning July 1, 2011, and ending June 30,
58 22 2012, the following amount, or so much thereof as is necessary,
58 23 to be used for the purposes designated:
58 24 For salaries, support, maintenance, equipment, and
58 25 miscellaneous purposes, for the provision of medical and
58 26 surgical treatment of indigent patients, for provision of
58 27 services to members of the expansion population pursuant to
58 28 chapter 249J, and for medical education:
58 29 \$ 27,284,584
58 30 a. Funds appropriated in this subsection shall not be used
58 31 to perform abortions except medically necessary abortions,
58 32 and shall not be used to operate the early termination of
58 33 pregnancy clinic except for the performance of medically
58 34 necessary abortions. For the purpose of this subsection,
58 35 medically necessary abortions are those performed under any of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

59 1 the following conditions:

59 2 (1) The attending physician certifies that continuing the
59 3 pregnancy would endanger the life of the pregnant woman.

59 4 (2) Any spontaneous abortion, commonly known as a
59 5 miscarriage, if not all of the products of conception are
59 6 expelled.

59 7 b. Notwithstanding any provision of law to the contrary,
59 8 the amount appropriated in this subsection shall be distributed
59 9 based on claims submitted, adjudicated, and paid by the Iowa
59 10 Medicaid enterprise.

59 11 c. The university of Iowa hospitals and clinics shall
59 12 certify public expenditures in an amount equal to provide
59 13 the nonfederal share on total expenditures not to exceed
59 14 \$46,000,000.

59 15 2. There is appropriated from the IowaCare account
59 16 created in section 249J.24 to the state board of regents for
59 17 distribution to the university of Iowa hospitals and clinics
59 18 for the fiscal year beginning July 1, 2011, and ending June 30,
59 19 2012, the following amount, or so much thereof as is necessary,
59 20 to be used for the purposes designated:

59 21 For salaries, support, maintenance, equipment, and
59 22 miscellaneous purposes, for the provision of medical and
59 23 surgical treatment of indigent patients, for provision of
59 24 services to members of the expansion population pursuant to
59 25 chapter 249J, and for medical education:

59 26 \$ 49,020,131

59 27 Notwithstanding any provision of law to the contrary, the
59 28 amount appropriated in this subsection shall be distributed
59 29 based on claims submitted, adjudicated, and paid by the Iowa
59 30 Medicaid enterprise.

59 31 3. There is appropriated from the IowaCare account
59 32 created in section 249J.24, to the state board of regents for
59 33 distribution to university of Iowa physicians for the fiscal
59 34 year beginning July 1, 2011, and ending June 30, 2012, the
59 35 following amount, or so much thereof as is necessary to be used



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

60 1 for the purposes designated:

60 2 For salaries, support, maintenance, equipment, and
60 3 miscellaneous purposes for the provision of medical and
60 4 surgical treatment of indigent patients, for provision of
60 5 services to members of the expansion population pursuant to
60 6 chapter 249J, and for medical education:

60 7 \$ 24,000,000

60 8 Notwithstanding any provision of law to the contrary, the
60 9 amount appropriated in this subsection shall be distributed
60 10 based on claims submitted, adjudicated, and paid by the Iowa
60 11 Medicaid enterprise. Once the entire amount appropriated in
60 12 this subsection has been distributed, claims shall continue to
60 13 be submitted and adjudicated by the Iowa Medicaid enterprise;
60 14 however, no payment shall be made based upon such claims.

60 15 4. There is appropriated from the IowaCare account created
60 16 in section 249J.24 to the department of human services for the
60 17 fiscal year beginning July 1, 2011, and ending June 30, 2012,
60 18 the following amount, or so much thereof as is necessary, to be
60 19 used for the purposes designated:

60 20 For distribution to a publicly owned acute care teaching
60 21 hospital located in a county with a population over 350,000 for
60 22 the provision of medical and surgical treatment of indigent
60 23 patients, for provision of services to members of the expansion
60 24 population pursuant to chapter 249J, and for medical education:

60 25 \$ 51,000,000

60 26 a. Notwithstanding any provision of law to the contrary,
60 27 the amount appropriated in this subsection shall be distributed
60 28 based on claims submitted, adjudicated, and paid by the Iowa
60 29 Medicaid enterprise plus a monthly disproportionate share
60 30 hospital payment. Any amount appropriated in this subsection
60 31 in excess of \$48,000,000 shall be distributed only if the sum
60 32 of the expansion population claims adjudicated and paid by the
60 33 Iowa Medicaid enterprise plus the estimated disproportionate
60 34 share hospital payments exceeds \$48,000,000. The amount paid
60 35 in excess of \$48,000,000 shall not adjust the original monthly



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

61 1 payment amount but shall be distributed monthly based on actual
61 2 claims adjudicated and paid by the Iowa Medicaid enterprise
61 3 plus the estimated disproportionate share hospital amount. Any
61 4 amount appropriated in this subsection in excess of \$48,000,000
61 5 shall be allocated only if federal funds are available to match
61 6 the amount allocated.

61 7 b. Notwithstanding the total amount of proceeds distributed
61 8 pursuant to section 249J.24, subsection 6, paragraph "a",
61 9 unnumbered paragraph 1, for the fiscal year beginning July
61 10 1, 2011, and ending June 30, 2012, the county treasurer of a
61 11 county with a population of over 350,000 in which a publicly
61 12 owned acute care teaching hospital is located shall distribute
61 13 the proceeds collected pursuant to section 347.7 in a total
61 14 amount of \$38,000,000, which would otherwise be distributed to
61 15 the county hospital, to the treasurer of state for deposit in
61 16 the IowaCare account.

61 17 c. (1) Notwithstanding the amount collected and
61 18 distributed for deposit in the IowaCare account pursuant to
61 19 section 249J.24, subsection 6, paragraph "a", subparagraph
61 20 (1), the first \$19,000,000 in proceeds collected pursuant to
61 21 section 347.7 between July 1, 2011, and December 31, 2011,
61 22 shall be distributed to the treasurer of state for deposit in
61 23 the IowaCare account and collections during this time period in
61 24 excess of \$19,000,000 shall be distributed to the acute care
61 25 teaching hospital identified in this subsection.

61 26 (2) Notwithstanding the amount collected and distributed
61 27 for deposit in the IowaCare account pursuant to section
61 28 249J.24, subsection 6, paragraph "a", subparagraph (2),
61 29 the first \$19,000,000 in collections pursuant to section
61 30 347.7 between January 1, 2012, and June 30, 2012, shall be
61 31 distributed to the treasurer of state for deposit in the
61 32 IowaCare account and collections during this time period in
61 33 excess of \$19,000,000 shall be distributed to the acute care
61 34 teaching hospital identified in this subsection.

61 35 5. There is appropriated from the IowaCare account created



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

62 1 in section 249J.24 to the department of human services for the
62 2 fiscal year beginning July 1, 2011, and ending June 30, 2012,
62 3 the following amount, or so much thereof as is necessary to be
62 4 used for the purpose designated:

62 5 For payment to the regional provider network specified
62 6 by the department pursuant to section 249J.7 for provision
62 7 of covered services to members of the expansion population
62 8 pursuant to chapter 249J:

62 9 \$ 6,000,000

62 10 Notwithstanding any provision of law to the contrary, the
62 11 amount appropriated in this subsection shall be distributed
62 12 based on claims submitted, adjudicated, and paid by the Iowa
62 13 Medicaid enterprise. Once the entire amount appropriated in
62 14 this subsection has been distributed, claims shall continue to
62 15 be submitted and adjudicated by the Iowa Medicaid enterprise;
62 16 however, no payment shall be made based upon such claims.

62 17 6. There is appropriated from the IowaCare account created
62 18 in section 249J.24 to the department of human services for the
62 19 fiscal year beginning July 1, 2011, and ending June 30, 2012,
62 20 the following amount, or so much thereof as is necessary to be
62 21 used for the purposes designated:

62 22 For payment to nonparticipating providers for covered
62 23 services provided in accordance with section 249J.24A:

62 24 \$ 2,000,000

62 25 Sec. 35. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE
62 26 TRANSFORMATION ==== DEPARTMENT OF HUMAN SERVICES.

62 27 Notwithstanding any provision to the contrary, there is
62 28 appropriated from the account for health care transformation
62 29 created in section 249J.23 to the department of human services
62 30 for the fiscal year beginning July 1, 2011, and ending June
62 31 30, 2012, the following amounts, or so much thereof as is
62 32 necessary, to be used for the purposes designated:

62 33 1. For the costs of medical examinations for the expansion
62 34 population pursuant to section 249J.6:

62 35 \$ 556,800



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

63 1 2. For the provision of an IowaCare nurse helpline for the
63 2 expansion population as provided in section 249J.6:
63 3 \$ 100,000
63 4 3. For other health promotion partnership activities
63 5 pursuant to section 249J.14:
63 6 \$ 600,000
63 7 4. For the costs related to audits, performance
63 8 evaluations, and studies required pursuant to chapter 249J:
63 9 \$ 125,000
63 10 5. For administrative costs associated with chapter 249J:
63 11 \$ 1,132,412
63 12 6. For planning and development, in cooperation with the
63 13 department of public health, of a phased-in program to provide
63 14 a dental home for children in accordance with section 249J.14:
63 15 \$ 1,000,000
63 16 7. For continuation of the establishment of the tuition
63 17 assistance for individuals serving individuals with
63 18 disabilities pilot program, as enacted in 2008 Iowa Acts,
63 19 chapter 1187, section 130:
63 20 \$ 50,000
63 21 8. For medical contracts:
63 22 \$ 2,000,000
63 23 9. For payment to the publicly owned acute care teaching
63 24 hospital located in a county with a population of over 350,000
63 25 that is a participating provider pursuant to chapter 249J:
63 26 \$ 290,000
63 27 Disbursements under this subsection shall be made monthly.
63 28 The hospital shall submit a report following the close of the
63 29 fiscal year regarding use of the funds appropriated in this
63 30 subsection to the persons specified in this Act to receive
63 31 reports.
63 32 Notwithstanding section 8.39, subsection 1, without the
63 33 prior written consent and approval of the governor and the
63 34 director of the department of management, the director of human
63 35 services may transfer funds among the appropriations made in



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

64 1 this section as necessary to carry out the purposes of the
64 2 account for health care transformation. The department shall
64 3 report any transfers made pursuant to this section to the
64 4 legislative services agency.

64 5 Sec. 36. MEDICAID FRAUD ACCOUNT ==== DEPARTMENT OF
64 6 INSPECTIONS AND APPEALS. There is appropriated from the
64 7 Medicaid fraud account created in section 249A.7 to the
64 8 department of inspections and appeals for the fiscal year
64 9 beginning July 1, 2011, and ending June 30, 2012, the following
64 10 amount, or so much thereof as is necessary, to be used for the
64 11 purposes designated:

64 12 For the inspection and certification of assisted living
64 13 programs and adult day care services, including program
64 14 administration and costs associated with implementation:
64 15 \$ 1,339,527

64 16 Sec. 37. MEDICAID FRAUD ACCOUNT ==== DEPARTMENT OF HUMAN
64 17 SERVICES. There is appropriated from the Medicaid fraud
64 18 account created in section 249A.7 to the department of human
64 19 services for the fiscal year beginning July 1, 2011, and ending
64 20 June 30, 2012, the following amount, or so much thereof as is
64 21 necessary, to be used for the purposes designated:

64 22 To supplement the appropriation made in this Act from the
64 23 general fund of the state to the department of human services
64 24 for medical assistance:
64 25 \$ 2,000,000

64 26 Sec. 38. QUALITY ASSURANCE TRUST FUND ==== DEPARTMENT OF HUMAN
64 27 SERVICES. Notwithstanding any provision to the contrary and
64 28 subject to the availability of funds, there is appropriated
64 29 from the quality assurance trust fund created in section
64 30 249L.4 to the department of human services for the fiscal year
64 31 beginning July 1, 2011, and ending June 30, 2012, the following
64 32 amounts, or so much thereof as is necessary for the purposes
64 33 designated:

64 34 To supplement the appropriation made in this Act from the
64 35 general fund of the state to the department of human services



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

65 1 for medical assistance:
65 2 \$ 29,000,000
65 3 Sec. 39. HOSPITAL HEALTH CARE ACCESS TRUST FUND ====
65 4 DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to
65 5 the contrary and subject to the availability of funds, there is
65 6 appropriated from the hospital health care access trust fund
65 7 created in section 249M.4 to the department of human services
65 8 for the fiscal year beginning July 1, 2011, and ending June
65 9 30, 2012, the following amounts, or so much thereof as is
65 10 necessary, for the purposes designated:
65 11 1. To supplement the appropriation made in this Act from the
65 12 general fund of the state to the department of human services
65 13 for medical assistance:
65 14 \$ 39,231,000
65 15 2. For deposit in the nonparticipating provider
65 16 reimbursement fund created in section 249J.24A to be used for
65 17 the purposes of the fund:
65 18 \$ 769,000
65 19 Sec. 40. MEDICAL ASSISTANCE PROGRAM ==== NONREVERSION
65 20 FOR FY 2011=2012. Notwithstanding section 8.33, if moneys
65 21 appropriated for purposes of the medical assistance program
65 22 for the fiscal year beginning July 1, 2011, and ending June
65 23 30, 2012, from the general fund of the state, the Medicaid
65 24 fraud account, the quality assurance trust fund, and the
65 25 hospital health care access trust fund, are in excess of actual
65 26 expenditures for the medical assistance program and remain
65 27 unencumbered or unobligated at the close of the fiscal year,
65 28 the excess moneys shall not revert but shall remain available
65 29 for expenditure for the purposes of the medical assistance
65 30 program until the close of the succeeding fiscal year.
65 31 DIVISION VI
65 32 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FOR FISCAL YEAR
65 33 2011=2012
65 34 Sec. 41. MENTAL HEALTH, MENTAL RETARDATION, AND
65 35 DEVELOPMENTAL DISABILITIES SERVICES PROPERTY TAX



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

66 1 RELIEF. Notwithstanding the standing appropriation in section
66 2 426B.1, subsection 2, for the fiscal year beginning July 1,
66 3 2011, and ending June 30, 2012, the amount appropriated from
66 4 the general fund of the state pursuant to that provision shall
66 5 not exceed the following amount:

..... \$

66 6 81,199,911

66 7 Sec. 42. 2010 Iowa Acts, chapter 1193, section 1, is amended
66 8 to read as follows:

66 9 SECTION 1. ADULT MH/MR/DD SERVICES ALLOWED GROWTH FUNDING
66 10 ==== FY 2011=2012.

66 11 1. Notwithstanding section 331.439, subsection 3, the
66 12 allowed growth factor adjustment for county mental health,
66 13 mental retardation, and developmental disabilities service
66 14 expenditures for the fiscal year beginning July 1, 2011, shall
66 15 be established by statute which shall be enacted within thirty
66 16 calendar days of the convening of the Eighty=fourth General
66 17 Assembly, 2011 Session, on January 10, 2011. The governor
66 18 shall submit to the general assembly a recommendation for such
66 19 allowed growth factor adjustment and the amounts of related
66 20 appropriations to the general assembly on or before January 11,
66 21 2011.

66 22 2. The appropriation and allocations made in this section
66 23 fulfill the requirements of the governor and general assembly
66 24 under subsection 1.

66 25 3. There is appropriated from the general fund of the
66 26 state to the department of human services for the fiscal year
66 27 beginning July 1, 2011, and ending June 30, 2012, the following
66 28 amount, or so much thereof as is necessary, to be used for the
66 29 purpose designated:

66 30 For distribution to counties of the county mental health,
66 31 mental retardation, and developmental disabilities allowed
66 32 growth factor adjustment for fiscal year 2011=2012 as provided
66 33 in this section in lieu of the allowed growth factor provisions
66 34 of section 331.438, subsection 2, and section 331.439,
66 35 subsection 3, and chapter 426B:



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

67 1 \$ 48,697,893
67 2 Sec. 43. 2010 Iowa Acts, chapter 1193, section 1, as
67 3 amended by this division of this Act, is amended by adding the
67 4 following new subsections:
67 5 NEW SUBSECTION. 4. Of the amount appropriated in this
67 6 section, \$12,000,000 shall be distributed as provided in this
67 7 subsection.
67 8 a. To be eligible to receive a distribution under this
67 9 subsection, a county must meet the following requirements:
67 10 (1) The county is levying for the maximum amount allowed
67 11 for the county's mental health, mental retardation, and
67 12 developmental disabilities services fund under section 331.424A
67 13 for taxes due and payable in the fiscal year beginning July 1,
67 14 2011, or the county is levying for at least 90 percent of the
67 15 maximum amount allowed for the county's services fund and that
67 16 levy rate is more than \$2 per \$1,000 of the assessed value of
67 17 all taxable property in the county.
67 18 (2) In the fiscal year beginning July 1, 2009, the
67 19 county's mental health, mental retardation, and developmental
67 20 disabilities services fund ending balance under generally
67 21 accepted accounting principles was equal to or less than 15
67 22 percent of the county's actual gross expenditures for that
67 23 fiscal year.
67 24 b. The amount of a county's distribution from the allocation
67 25 made in this subsection shall be determined based upon the
67 26 county's proportion of the general population of the counties
67 27 eligible to receive a distribution under this subsection. The
67 28 latest certified federal census issued by the United States
67 29 bureau of the census shall be applied in determining population
67 30 for the purposes of this paragraph.
67 31 c. The distributions made pursuant to this subsection
67 32 are subject to the distribution provisions and withholding
67 33 requirements established in this section for the county mental
67 34 health, mental retardation, and developmental disabilities
67 35 allowed growth factor adjustment for the fiscal year beginning



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

68 1 July 1, 2011.

68 2 NEW SUBSECTION. 5. The following amount of the funding
68 3 appropriated in this section is the allowed growth factor
68 4 adjustment for fiscal year 2011=2012, and shall be credited to
68 5 the allowed growth funding pool created in the property tax
68 6 relief fund and for distribution in accordance with section
68 7 426B.5, subsection 1:

68 8 \$ 36,697,893

68 9 NEW SUBSECTION. 6. The following formula amounts shall be
68 10 utilized only to calculate preliminary distribution amounts for
68 11 the allowed growth factor adjustment for fiscal year 2011=2012
68 12 under this section by applying the indicated formula provisions
68 13 to the formula amounts and producing a preliminary distribution
68 14 total for each county:

68 15 a. For calculation of a distribution amount for eligible
68 16 counties from the allowed growth funding pool created in the
68 17 property tax relief fund in accordance with the requirements in
68 18 section 426B.5, subsection 1:

68 19 \$ 49,772,936

68 20 b. For calculation of a distribution amount for counties
68 21 from the mental health and developmental disabilities (MH/DD)
68 22 community services fund in accordance with the formula provided
68 23 in the appropriation made for the MH/DD community services fund
68 24 for the fiscal year beginning July 1, 2011:

68 25 \$ 14,187,556

68 26 NEW SUBSECTION. 7. a. After applying the applicable
68 27 statutory distribution formulas to the amounts indicated in
68 28 subsection 6 for purposes of producing preliminary distribution
68 29 totals, the department of human services shall apply a
68 30 withholding factor to adjust an eligible individual county's
68 31 preliminary distribution total. In order to be eligible for
68 32 a distribution under this section, a county must be levying
68 33 90 percent or more of the maximum amount allowed for the
68 34 county's mental health, mental retardation, and developmental
68 35 disabilities services fund under section 331.424A for taxes due



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

69 1 and payable in the fiscal year for which the distribution is
69 2 payable.
69 3 b. An ending balance percentage for each county shall
69 4 be determined by expressing the county's ending balance on a
69 5 modified accrual basis under generally accepted accounting
69 6 principles for the fiscal year beginning July 1, 2009, in the
69 7 county's mental health, mental retardation, and developmental
69 8 disabilities services fund created under section 331.424A, as a
69 9 percentage of the county's gross expenditures from that fund
69 10 for that fiscal year. If a county borrowed moneys for purposes
69 11 of providing services from the county's services fund on or
69 12 before July 1, 2009, and the county's services fund ending
69 13 balance for that fiscal year includes the loan proceeds or an
69 14 amount designated in the county budget to service the loan for
69 15 the borrowed moneys, those amounts shall not be considered
69 16 to be part of the county's ending balance for purposes of
69 17 calculating an ending balance percentage under this subsection.
69 18 c. For purposes of calculating withholding factors and for
69 19 ending balance amounts used for other purposes under law, the
69 20 county ending balances shall be adjusted, using forms developed
69 21 for this purpose by the county finance committee, to disregard
69 22 the temporary funding increase provided to the counties for
69 23 the fiscal year through the federal American Recovery and
69 24 Reinvestment Act of 2009, Pub. L. No. 111=5. In addition, a
69 25 county may adjust the ending balance amount by rebating to the
69 26 department all or a portion of the allowed growth and MH/DD
69 27 services fund moneys the county received for the fiscal year
69 28 beginning July 1, 2010, in accordance with 2009 Iowa Acts,
69 29 chapter 179, section 1, as amended by 2009 Iowa Acts, chapter
69 30 1192, sections 47 and 48, or from any other services fund
69 31 moneys available to the county. The rebate must be remitted
69 32 to the department on or before June 1, 2011, in order to be
69 33 counted. The amount rebated by a county shall be subtracted
69 34 dollar=for=dollar from the county's ending balance amount
69 35 for the fiscal year beginning July 1, 2009, for purposes of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

70 1 calculating the withholding factor and for other ending balance
70 2 purposes for the fiscal year beginning July 1, 2011. The
70 3 rebates received by the department shall be credited to the
70 4 property tax relief fund and distributed as additional funding
70 5 for the fiscal year beginning July 1, 2011, in accordance with
70 6 the formula provisions in this section.

70 7 d. The withholding factor for a county shall be the
70 8 following applicable percent:

70 9 (1) For an ending balance percentage of less than 5
70 10 percent, a withholding factor of 0 percent. In addition,
70 11 a county that is subject to this lettered paragraph shall
70 12 receive an inflation adjustment equal to 3 percent of the gross
70 13 expenditures reported for the county's services fund for the
70 14 fiscal year.

70 15 (2) For an ending balance percentage of 5 percent or more
70 16 but less than 10 percent, a withholding factor of 0 percent.
70 17 In addition, a county that is subject to this lettered
70 18 paragraph shall receive an inflation adjustment equal to 2
70 19 percent of the gross expenditures reported for the county's
70 20 services fund for the fiscal year.

70 21 (3) For an ending balance percentage of 10 percent or more
70 22 but less than 25 percent, a withholding factor of 25 percent.
70 23 However, for a county that is subject to this subparagraph, the
70 24 amount withheld shall be limited to the amount by which the
70 25 county's ending balance was in excess of the ending balance
70 26 percentage of 10 percent.

70 27 (4) For an ending balance percentage of 25 percent or more,
70 28 a withholding percentage of 100 percent.

70 29 NEW SUBSECTION. 8. The total withholding amounts applied
70 30 pursuant to subsection 7 shall be equal to a withholding target
70 31 amount of \$13,075,453. If the department of human services
70 32 determines that the amount appropriated is insufficient or
70 33 the amount to be withheld in accordance with subsection 7 is
70 34 not equal to the target withholding amount, the department
70 35 shall adjust the withholding factors listed in subsection 7 as



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

71 1 necessary to achieve the target withholding amount. However,
71 2 in making such adjustments to the withholding factors, the
71 3 department shall strive to minimize changes to the withholding
71 4 factors for those ending balance percentage ranges that are
71 5 lower than others and shall only adjust the zero withholding
71 6 factor or the inflation adjustment percentages specified in
71 7 subsection 7, paragraph "d", when the amount appropriated is
71 8 insufficient.

71 9 DIVISION VII

71 10 PRIOR APPROPRIATIONS AND RELATED CHANGES

71 11 VIETNAM CONFLICT VETERANS BONUS

71 12 Sec. 44. Section 35A.8A, subsection 2, paragraph d, Code
71 13 2011, is amended to read as follows:

71 14 d. The person files an application for compensation under
71 15 this section, in a manner determined by the department of
71 16 veterans affairs, by July 1, 2010 ~~May 1, 2011~~.

71 17 INJURED VETERANS GRANT PROGRAM

71 18 Sec. 45. 2008 Iowa Acts, chapter 1187, section 69,
71 19 unnumbered paragraph 1, as amended by 2009 Iowa Acts, chapter
71 20 182, section 83, and 2010 Iowa Acts, chapter 1192, section 56,
71 21 is amended to read as follows:

71 22 Notwithstanding section 8.33, moneys appropriated in this
71 23 subsection that remain unencumbered or unobligated at the close
71 24 of the fiscal year shall not revert but shall remain available
71 25 for expenditure for the purposes designated until the close of
71 26 the fiscal year beginning July 1, ~~2010~~ 2011.

71 27 IOWA DEPARTMENT ON AGING CASE MANAGEMENT REVIEW

71 28 Sec. 46. 2010 Iowa Acts, chapter 1192, section 1, subsection
71 29 2, is amended to read as follows:

71 30 2. ~~a.~~ Of the funds appropriated in this section, \$1,246,514
71 31 shall be transferred to the department of human services in
71 32 equal amounts on a quarterly basis for reimbursement of case
71 33 management services provided under the medical assistance
71 34 elderly waiver. The department of human services shall adopt
71 35 rules for case management services provided under the medical



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

72 1 assistance elderly waiver in consultation with the department
72 2 on aging.
72 3 ~~b. The department of human services shall review~~
~~72 4 projections for state funding expenditures for reimbursement~~
~~72 5 of case management services under the medical assistance~~
~~72 6 elderly waiver on a quarterly basis and shall determine if an~~
~~72 7 adjustment to the medical assistance reimbursement rates are~~
~~72 8 necessary to provide reimbursement within the state funding~~
~~72 9 amounts budgeted under the appropriations made for the fiscal~~
~~72 10 year for the medical assistance program. Any temporary~~
~~72 11 enhanced federal financial participation that may become~~
~~72 12 available for the medical assistance program during the fiscal~~
~~72 13 year shall not be used in projecting the medical assistance~~
~~72 14 elderly waiver case management budget. The department of human~~
~~72 15 services shall revise such reimbursement rates as necessary to~~
~~72 16 maintain expenditures for medical assistance elderly waiver~~
~~72 17 case management services within the state funding amounts~~
~~72 18 budgeted under the appropriations made for the fiscal year for~~
~~72 19 the medical assistance program.~~

72 20 IOWA VETERANS HOME

72 21 Sec. 47. 2010 Iowa Acts, chapter 1192, section 3, subsection
72 22 2, is amended by adding the following new paragraph:

72 23 NEW PARAGRAPH. d. The funds appropriated in this subsection
72 24 to the Iowa veterans home that remain available for expenditure
72 25 for the succeeding fiscal year pursuant to section 35D.18,
72 26 subsection 5, shall be distributed to be used in the succeeding
72 27 fiscal year in accordance with this lettered paragraph. The
72 28 first \$500,000 shall remain available to be used for the
72 29 purposes of the Iowa veterans home. On or before October 15,
72 30 2011, the department of management shall transfer the remaining
72 31 balance to the appropriation to the department of human
72 32 services for medical assistance.

72 33 MEDICAL ASSISTANCE PROGRAM

72 34 Sec. 48. 2010 Iowa Acts, chapter 1192, section 11, is
72 35 amended by adding the following new subsection:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

73 1 NEW SUBSECTION. 25. The department may increase the amounts
73 2 allocated for salaries, support, maintenance, and miscellaneous
73 3 purposes associated with the medical assistance program as
73 4 necessary to implement cost containment efforts in order to
73 5 accomplish medical assistance program savings.

73 6 STATE SUPPLEMENTARY ASSISTANCE PROGRAM

73 7 Sec. 49. 2010 Iowa Acts, chapter 1192, section 14, is
73 8 amended by adding the following new subsection:

73 9 NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys
73 10 appropriated in this section that remain unencumbered or
73 11 unobligated at the close of the fiscal year shall remain
73 12 available for expenditure for the purposes designated until the
73 13 close of the succeeding fiscal year.

73 14 IOWA DEPARTMENT ON AGING CASE MANAGEMENT REVIEW

73 15 Sec. 50. 2010 Iowa Acts, chapter 1192, section 37,
73 16 subsection 1, is amended to read as follows:

73 17 1. ~~a.~~ Of the funds appropriated in this section, \$1,010,000
73 18 shall be transferred to the department of human services in
73 19 equal amounts on a quarterly basis for reimbursement of case
73 20 management services provided under the medical assistance
73 21 elderly waiver.

73 22 ~~b. The department of human services shall review~~
~~73 23 projections for state funding expenditures for reimbursement~~
~~73 24 of case management services under the medical assistance~~
~~73 25 elderly waiver on a quarterly basis and shall determine if an~~
~~73 26 adjustment to the medical assistance reimbursement rates are~~
~~73 27 necessary to provide reimbursement within the state funding~~
~~73 28 amounts budgeted under the appropriations made for the fiscal~~
~~73 29 year for the medical assistance program. Any temporary~~
~~73 30 enhanced federal financial participation that may become~~
~~73 31 available for the medical assistance program during the fiscal~~
~~73 32 year shall not be used in projecting the medical assistance~~
~~73 33 elderly waiver case management budget. The department of human~~
~~73 34 services shall revise such reimbursement rates as necessary to~~
~~73 35 maintain expenditures for medical assistance elderly waiver~~



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

~~House File 649 - Introduced continued~~

~~74 1 case management services within the state funding amounts~~
~~74 2 budgeted under the appropriations made for the fiscal year for~~
~~74 3 the medical assistance program.~~

74 4 Sec. 51. 2010 Iowa Acts, chapter 1192, section 44, is
74 5 amended to read as follows:

74 6 SEC. 44. QUALITY ASSURANCE TRUST FUND == DEPARTMENT OF HUMAN
74 7 SERVICES. Notwithstanding any provision to the contrary and
74 8 subject to the availability of funds, there is appropriated
74 9 from the quality assurance trust fund created in section
74 10 249L.4 to the department of human services for the fiscal year
74 11 beginning July 1, 2010, and ending June 30, 2011, the following
74 12 amounts, or so much thereof as is necessary for the purposes
74 13 designated:

74 14 To supplement the appropriation made in this Act from the
74 15 general fund of the state to the department of human services
74 16 for medical assistance:

74 17 \$ ~~13,900,000~~
74 18 33,708,458

74 19 1. Of the funds appropriated in this section, \$7,500,000
74 20 shall be used for nursing facility reimbursement under the
74 21 medical assistance program in accordance with the nursing
74 22 facility reimbursement provisions of division IV of this
74 23 Act, to continue application of the administrative rules
74 24 changes relating to nursing facility reimbursement and payment
74 25 procedures made pursuant to 2010 Iowa Acts, Senate File 2366,
74 26 if enacted, for the fiscal year beginning July 1, 2010, and
74 27 ending June 30, 2011, and to restore the 5 percent reduction
74 28 made in nursing facility reimbursement in accordance with
74 29 executive order number 19 issued October 8, 2009.

74 30 2. The costs associated with the implementation of this
74 31 section shall be funded exclusively through moneys appropriated
74 32 from the quality assurance trust fund, and shall result in
74 33 budget neutrality to the general fund of the state for the
74 34 fiscal year beginning July 1, 2010, and ending June 30, 2011.

74 35 MERCHANT MARINE BONUS FUND TRANSFER



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

75 1 Sec. 52. DEPARTMENT OF CULTURAL AFFAIRS ==== MERCHANT MARINE
75 2 BONUS FUND.

75 3 1. The appropriation made from the merchant marine bonus
75 4 fund to the department of cultural affairs for the fiscal year
75 5 beginning July 1, 2010, and ending June 30, 2011, in 2010 Iowa
75 6 Acts, chapter 1193, section 82, shall be transferred on the
75 7 effective date of this section to the department of veterans
75 8 affairs to be used for departmental costs.

75 9 2. Moneys transferred pursuant to this section that remain
75 10 unencumbered or unobligated at the close of the fiscal year
75 11 shall be credited to the veterans trust fund created in section
75 12 35A.13.

75 13 Sec. 53. FAMILY PLANNING WAIVER AND MAINTENANCE OF
75 14 EFFORT. Notwithstanding 2010 Iowa Acts, chapter 1192, section
75 15 11, subsection 24, the department of human services shall
75 16 not amend the medical assistance waiver for the Iowa family
75 17 planning network in accordance with that provision, but shall
75 18 instead continue the Iowa family planning waiver in effect
75 19 prior to June 30, 2011, and shall only amend the waiver to
75 20 increase the income eligibility percentage above the percentage
75 21 provided in the waiver in effect if necessary and only by the
75 22 minimum percentage required to comply with maintenance of
75 23 effort requirements.

75 24 Sec. 54. EFFECTIVE UPON ENACTMENT. This division of this
75 25 Act, being deemed of immediate importance, takes effect upon
75 26 enactment.

75 27 Sec. 55. RETROACTIVE APPLICABILITY. The section of
75 28 this division of this Act amending section 35A.8A, applies
75 29 retroactively to July 1, 2010.

75 30 DIVISION VIII
75 31 MISCELLANEOUS

75 32 Sec. 56. Section 232.188, subsection 5, paragraph b,
75 33 unnumbered paragraph 1, Code 2011, is amended to read as
75 34 follows:

75 35 Notwithstanding section 8.33, moneys designated for a



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House File 649 - Introduced continued

76 1 project's decategorization services funding pool that remain
76 2 unencumbered or unobligated at the close of the fiscal year
76 3 shall not revert but shall remain available for expenditure as
76 4 directed by the project's governance board for child welfare
76 5 and juvenile justice systems enhancements and other purposes of
76 6 the project ~~until the close of the succeeding fiscal year and~~
~~76 7 for the next two succeeding fiscal years.~~ Such moneys shall be
76 8 known as "carryover funding". Moneys may be made available to a
76 9 funding pool from one or more of the following sources:
76 10 Sec. 57. Section 514I.5, subsection 8, paragraph h, Code
76 11 2011, is amended to read as follows:
76 12 h. The amount of any cost sharing under the program which
76 13 shall be assessed based on family income and which complies
76 14 with federal law. The rules shall establish for children of
76 15 families with incomes exceeding two hundred percent but not
76 16 exceeding three hundred percent of the federal poverty level,
76 17 family cost-sharing amounts, and graduated premiums based on a
76 18 rationaly developed sliding fee schedule, in accordance with
76 19 federal law.

76 20 EXPLANATION

76 21 This bill relates to and makes appropriations for health
76 22 and human services for fiscal year 2011=2012 to the department
76 23 of veterans affairs, the Iowa veterans home, the department on
76 24 aging, the department of public health, Iowa finance authority,
76 25 state board of regents, department of inspections and appeals,
76 26 and the department of human services. The bill is organized
76 27 into divisions.

76 28 DEPARTMENT ON AGING. This division appropriates funding
76 29 from the general fund of the state for the department on aging.

76 30 DEPARTMENT OF PUBLIC HEALTH. This division appropriates
76 31 funding from the general fund of the state for the department
76 32 of public health.

76 33 DEPARTMENT OF VETERANS AFFAIRS. This division appropriates
76 34 funding from the general fund of the state for the department
76 35 of veterans affairs.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

77 1 DEPARTMENT OF HUMAN SERVICES. The division appropriates
77 2 funding from the general fund of the state and the federal
77 3 temporary assistance for needy families block grant to the
77 4 department of human services. The allocation for the family
77 5 development and self=sufficiency grant program is made directly
77 6 to the department of human rights.
77 7 An appropriation is made from the health care trust fund for
77 8 the medical assistance (Medicaid) program in addition to the
77 9 general fund appropriation made for this purpose.
77 10 The reimbursement section addresses reimbursement for
77 11 providers reimbursed by the department of human services.
77 12 PHARMACEUTICAL SETTLEMENT ACCOUNT, IOWACARE ACCOUNT, HEALTH
77 13 CARE TRANSFORMATION ACCOUNT, MEDICAID FRAUD ACCOUNT, QUALITY
77 14 ASSURANCE TRUST FUND, AND HOSPITAL HEALTH CARE ACCESS TRUST
77 15 FUND. This division makes appropriations for fiscal year
77 16 2011=2012. The appropriation to the department of inspections
77 17 and appeals is made from the Medicaid fraud account.
77 18 The division makes an appropriation from the pharmaceutical
77 19 settlement account to the department of human services to
77 20 supplement the medical contracts appropriation.
77 21 The division makes appropriations from the IowaCare
77 22 account to the state board of regents for distribution to the
77 23 university of Iowa hospitals and clinics and to the department
77 24 of human services for distribution to a publicly owned acute
77 25 care teaching hospital in a county with a population over
77 26 350,000 related to the IowaCare program and indigent care. The
77 27 division makes an appropriation to the department of human
77 28 services from the health care transformation account for
77 29 various health care reform initiatives.
77 30 Appropriations are made to supplement the Medicaid program
77 31 from the following funds: quality assurance trust fund,
77 32 Medicaid fraud account, and hospital health care access trust
77 33 fund.
77 34 The division provides that if the total amount appropriated
77 35 from all sources for the medical assistance program for fiscal



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

78 1 year 2011=2012 exceeds the amount needed, the excess remains
78 2 available to be used for the program in the succeeding fiscal
78 3 year.
78 4 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING FISCAL YEAR
78 5 2011=2012. This division allocates the appropriation made in
78 6 2010 Iowa Acts, chapter 1193, for distribution to counties for
78 7 adult mental illness, mental retardation, and developmental
78 8 disabilities services allowed growth for fiscal year 2011=2012.
78 9 The standing appropriation from the general fund of the
78 10 state of \$88.4 million for purposes of the property tax relief
78 11 fund in Code section 426B.1 is reduced to approximately \$81.2
78 12 million for FY 2011=2012.
78 13 PRIOR APPROPRIATIONS AND RELATED PROVISIONS. This division
78 14 addresses previous appropriations and related provisions.
78 15 Code section 35A.8A, relating to Vietnam conflict veterans
78 16 bonus compensation, is amended to change the application
78 17 deadline from July 1, 2010, to May 1, 2011. This change is
78 18 retroactive to July 1, 2010.
78 19 An existing nonreversion clause for purposes of the
78 20 appropriation made for the injured veterans grant program in
78 21 2008 Iowa Acts, chapter 1187, section 69, is extended through
78 22 FY 2011=2012.
78 23 Requirements in 2010 Iowa Acts, chapter 1192, sections 1 and
78 24 27, for quarterly review of reimbursement provisions for case
78 25 management services under the Medicaid program elderly waiver,
78 26 are deleted.
78 27 Funds remaining from the appropriation made in 2010 Iowa
78 28 Acts, chapter 1192, section 3, for the Iowa veterans home are
78 29 subject to a nonreversion clause under Code section 35D.18.
78 30 The bill provides for the first \$500,000 to be used for the
78 31 Iowa veterans home in the succeeding fiscal year and the
78 32 remainder to be transferred to the department of human services
78 33 to be used for the Medicaid program.
78 34 The appropriation made for the Medicaid program in 2010
78 35 Iowa Acts, chapter 1192, section 11, is amended to allow the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House File 649 - Introduced continued

79 1 department of human services to increase the amounts allocated
79 2 for staffing as necessary to implement cost containment efforts
79 3 to accomplish Medicaid program savings.

79 4 A nonreversion clause is provided for the appropriation made
79 5 for the state supplementary assistance program in 2010 Iowa
79 6 Acts, chapter 1192, section 14.

79 7 The appropriation made from the quality assurance fund in
79 8 2010 Iowa Acts, chapter 1192, section 44, for the Medicaid
79 9 program, is increased.

79 10 An appropriation made from the merchant marine bonus fund
79 11 to the department of cultural affairs for FY 2010=2011 is
79 12 transferred to the department of veterans affairs on the
79 13 effective date of the provision. Transferred moneys remaining
79 14 at the close of the fiscal year are required to be credited to
79 15 the veterans trust fund.

79 16 MISCELLANEOUS. This division provides miscellaneous
79 17 statutory provisions.

79 18 The division directs the department of human services to
79 19 not amend the medical assistance waiver for the Iowa family
79 20 planning network as provided in 2010 Iowa Acts, chapter 1192,
79 21 and instead to continue the waiver as it exists on July 1,
79 22 2011, and to only increase the eligibility percentage to the
79 23 minimum extent necessary to comply with federal maintenance of
79 24 effort requirements.

79 25 The nonreversion clause in Code section 232.188 applicable
79 26 to carryover funding under the decategorization of child
79 27 welfare funding initiative, is extended for an additional
79 28 fiscal year.

79 29 Code section 514I.5 is amended to direct the hawk=i board
79 30 to adopt rules that establish for children of families
79 31 with incomes exceeding 200 percent but not 300 percent of
79 32 the federal poverty level, family cost=sharing amounts and
79 33 graduated premiums based on a rationally developed sliding fee
79 34 schedule, in accordance with federal law.

LSB 1004HV (2) 84

pf/jp



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House Resolution 27 - Introduced

PAG LIN

HOUSE RESOLUTION NO.

BY ANDERSON, DRAKE, ARNOLD, BERRY, MASCHER, S. OLSON,
and PETERSEN

1 1 A Resolution to acknowledge the genocide in Bosnia and
1 2 Herzegovina.

1 3 WHEREAS, the United States Senate and the United
1 4 States House of Representatives passed resolutions in
1 5 2005 acknowledging the genocide that Serbian forces
1 6 perpetrated in all of Bosnia from 1992 to 1995 and in
1 7 Srebrenica; and

1 8 WHEREAS, July 11, 2011, is commemorated as the
1 9 anniversary of the Srebrenica massacre, in which at
1 10 least 8,372 innocent Bosniak civilians were summarily
1 11 executed and 30,000 were expelled from their homes in
1 12 the worst atrocity in Europe since the Holocaust; and

1 13 WHEREAS, this anniversary raises awareness of the
1 14 tragic suffering of the Bosnian and Herzegovinian
1 15 people and honors and remembers those who died as
1 16 a result of the policies of ethnic cleansing and
1 17 aggression; and

1 18 WHEREAS, Iowans recognize the importance of this
1 19 event, which seeks to bring closure for the Bosnian and
1 20 Herzegovinian people through justice and truth; NOW
1 21 THEREFORE,

1 22 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
1 23 the House of Representatives recognizes July 11, 2011,
1 24 as Srebrenica Remembrance Day in the State of Iowa; and

1 25 BE IT FURTHER RESOLVED, That the House of
1 26 Representatives designates the week of July 11, 2011,
1 27 as Bosnia and Herzegovina Tribute Week in the State of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

House Resolution 27 - Introduced continued

2 1 Iowa; and

2 2 BE IT FURTHER RESOLVED, That the House of

2 3 Representatives calls upon all Iowans to work toward

2 4 ending the cycle of violence and to promote peaceful

2 5 coexistence among all people on Earth.

LSB 1566YH (4) 84

jr/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

House Resolution 28 - Introduced

PAG LIN

HOUSE RESOLUTION NO.

BY JACOBY, MASCHER, LENSING, BERRY, KAJTAZOVIC,
KRESSIG, ROGERS, KAUFMANN, and KLEIN

1 1 A Resolution to honor the remarkable forensics programs
1 2 of the University of Iowa and the University of
1 3 Northern Iowa.

1 4 WHEREAS, the National Debate Tournament has been
1 5 held annually since 1947; and

1 6 WHEREAS, the National Debate Tournament selects
1 7 only the 78 best policy debate teams in the country to
1 8 compete at this prestigious tournament; and

1 9 WHEREAS, University of Iowa students Andy
1 10 Preston and Andy Ryan won the 2001 National Debate
1 11 Tournament; and

1 12 WHEREAS, the University of Northern Iowa has
1 13 qualified for the National Debate Tournament 23 times
1 14 since 1947; and

1 15 WHEREAS, University of Iowa students Sharon Kann and
1 16 Corey Stone and University of Northern Iowa students
1 17 Al Hiland and Zach Simonson have qualified for the
1 18 2011 National Debate Tournament in Dallas, Texas; NOW
1 19 THEREFORE,

1 20 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
1 21 the House of Representatives recognizes and honors
1 22 the accomplishments of the University of Iowa and the
1 23 University of Northern Iowa forensics programs; and

1 24 BE IT FURTHER RESOLVED, That the House of
1 25 Representatives especially applauds Corey Stone for
1 26 his fourth consecutive National Debate Tournament
1 27 qualification.

LSB 2737HH (1) 84

jr/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3114

PAG LIN

1 1 Amend Senate File 397 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. NEW SECTION. 718B.1 Impersonating a
1 5 decorated military veteran.
1 6 A person who impersonates a decorated military
1 7 veteran with the intent to deceive another person for
1 8 the purpose of gaining any real or anticipated monetary
1 9 gain commits a serious misdemeanor. For the purposes
1 10 of this section, "decorated military veteran" means a
1 11 veteran of the armed forces of the United States who
1 12 has been awarded any decoration or medal authorized by
1 13 the United States Congress for service in the armed
1 14 forces of the United States, any of the service medals
1 15 or badges awarded to the members of such forces, or
1 16 the ribbon, button, or rosette of any such badge,
1 17 decoration, or medal.>
1 18 #2. Title page, lines 1 and 2, by striking <criminal
1 19 offenses for falsely claiming receipt of certain
1 20 military medals or decorations> and inserting <a
1 21 criminal offense for impersonating a decorated military
1 22 veteran>
1 23 #3. By renumbering as necessary.

DENNIS H. BLACK

SHAWN HAMERLINCK

JONI ERNST

STEVEN SODDERS

DARYL BEALL
SF397.1567 (1) 84
aw/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3115

PAG LIN

1 1 Amend Senate File 242 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. Section 123.3, Code 2011, is amended by
1 5 adding the following new subsections:
1 6 NEW SUBSECTION. 014A. "Grocery store" means any
1 7 retail establishment, the business of which consists
1 8 of the sale of food, food products, or beverages for
1 9 consumption off the premises.
1 10 NEW SUBSECTION. 022A. "Micro=distilled spirits"
1 11 means distilled spirits fermented, distilled, or, for
1 12 a period of two years, barrel matured on the licensed
1 13 premises of the micro=distillery where fermented,
1 14 distilled, or matured. "Micro=distilled spirits" also
1 15 includes blended or mixed spirits comprised solely of
1 16 spirits fermented, distilled, or, for a period of two
1 17 years, barrel matured at a micro=distillery.
1 18 NEW SUBSECTION. 022B. "Micro=distillery" means a
1 19 business with an operational still which, combining all
1 20 production facilities of the business, produces and
1 21 manufactures less than fifty thousand proof gallons of
1 22 distilled spirits on an annual basis.
1 23 NEW SUBSECTION. 26A. "Pharmacy" means a drug store
1 24 in which drugs and medicines are exposed for sale and
1 25 sold at retail, or in which prescriptions of licensed
1 26 physicians and surgeons, dentists, or veterinarians are
1 27 compounded and sold by a registered pharmacist.
1 28 NEW SUBSECTION. 32A. "School" means a public or
1 29 private school or that portion of a public or private
1 30 school which provides facilities for teaching any grade
1 31 from kindergarten through grade twelve.
1 32 Sec. 2. Section 123.3, subsection 14A, Code 2011,
1 33 is amended to read as follows:
1 34 14A. "High alcoholic content beer" means beer
1 35 which contains more than five percent of alcohol by
1 36 weight, but not more than twelve percent of alcohol
1 37 by weight, that is made by the fermentation of an
1 38 infusion in potable water of barley, malt, and hops,
1 39 with or without unmalted grains or decorticated and
1 40 degerminated grains. Not more than one and five=tenths
1 41 percent of the volume of a "high alcoholic content beer"
1 42 may consist of alcohol derived from added flavors and
1 43 other nonbeverage ingredients containing alcohol. The
1 44 added flavors and other nonbeverage ingredients may
1 45 not include added caffeine or other added stimulants
1 46 including but not limited to guarana, ginseng, and
1 47 taurine.
1 48 Sec. 3. Section 123.3, subsection 22A, Code 2011,
1 49 is amended to read as follows:
1 50 22A. "Native wine" means wine manufactured ~~in this~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

~~Senate Amendment 3115 continued~~

~~2 1 state pursuant to section 123.56 by a manufacturer of~~
~~2 2 native wine.~~
2 3 Sec. 4. Section 123.6, Code 2011, is amended to
2 4 read as follows:
2 5 123.6 Appointment ==== term ==== expenses ====
2 6 compensation.
2 7 Appointments shall be for five-year staggered
2 8 terms beginning and ending as provided by section
2 9 69.19 and shall be made by the governor, subject to
2 10 confirmation by the senate. Members of the commission
2 11 shall be chosen on the basis of managerial ability and
2 12 experience as business executives. ~~One member Not~~
~~2 13 more than two members of the commission may be the~~
2 14 holder of or have an interest in a permit or license
2 15 to manufacture alcoholic liquor, wine, or beer or to
2 16 sell alcoholic liquor, wine, or beer at wholesale or
2 17 retail. A member may be reappointed for one additional
2 18 term. Each member appointed is entitled to receive
2 19 reimbursement of actual expenses incurred while
2 20 attending meetings. Each member of the commission may
2 21 also be eligible to receive compensation as provided
2 22 in section 7E.6.
2 23 Sec. 5. Section 123.9, Code 2011, is amended to
2 24 read as follows:
2 25 123.9 Commission meetings.
2 26 The commission shall meet on or before July 1 of
2 27 each year for the purpose of selecting one of its
2 28 members as chairperson, ~~which member shall serve in~~
~~2 29 such capacity~~ for the succeeding year. The commission
2 30 shall otherwise meet quarterly or at the call of
2 31 the chairperson or administrator or, when ~~any~~ three
2 32 members file ~~with the chairperson~~ a written request
2 33 for a meeting. Written notice of the time and place
2 34 of each meeting shall be given to each member of the
2 35 commission. ~~All commission meetings shall be held~~
~~2 36 within the state.~~ A majority of the commission members
2 37 shall constitute a quorum.
2 38 Sec. 6. Section 123.30, subsection 3, paragraph
2 39 e, subparagraph (1), Code 2011, is amended to read as
2 40 follows:
2 41 (1) A class "E" liquor control license may be
2 42 issued and shall authorize the holder to purchase
2 43 alcoholic liquor from the division only and high
2 44 alcoholic content beer from a class "AA" beer permittee
2 45 only and to sell the alcoholic liquor and high
2 46 alcoholic content beer to patrons for consumption
2 47 off the licensed premises and to other liquor control
2 48 licensees. ~~A class "E" license shall not be issued~~
~~2 49 to premises at which gasoline is sold.~~ A holder of
2 50 a class "E" liquor control license may hold other



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3115 continued

3 1 retail liquor control licenses or retail wine or beer
3 2 permits, but the premises licensed under a class "E"
3 3 liquor control license shall be separate from other
3 4 licensed premises, though the separate premises may
3 5 have a common entrance. However, the holder of a class
3 6 "E" liquor control license may also hold a class "B"
3 7 wine or class "C" beer permit or both for the premises
3 8 licensed under a class "E" liquor control license.
3 9 Sec. 7. Section 123.31, unnumbered paragraph 1,
3 10 Code 2011, is amended to read as follows:

3 11 ~~Except as otherwise provided in section 123.35,~~
~~3 12 verified~~ Verified applications for the original
3 13 issuance or the renewal of liquor control licenses
3 14 shall be filed at the time and in the number of
3 15 copies as the administrator shall prescribe, on forms
3 16 prescribed by the administrator, and shall set forth
3 17 under oath the following information:

3 18 Sec. 8. Section 123.36, subsection 8, Code 2011, is
3 19 amended to read as follows:

3 20 8. a. Class "E" liquor control license, a sum
3 21 determined as follows:

3 22 (1) For licensed premises at which gasoline is not
3 23 sold, a sum of not less than seven hundred and fifty
3 24 dollars, and not more than seven thousand five hundred
3 25 dollars as determined on a sliding scale as established
3 26 by the division taking into account the factors of
3 27 square footage of the licensed premises, the location
3 28 of the licensed premises, and the population of the
3 29 area of the location of the licensed premises.

3 30 (2) For licensed premises at which gasoline is
3 31 sold, a sum equal to the following:

3 32 (a) For premises located within the corporate
3 33 limits of a city with a population of less than one
3 34 thousand five hundred, three thousand five hundred
3 35 dollars.

3 36 (b) For premises located within the corporate
3 37 limits of a city with a population of at least one
3 38 thousand five hundred but less than ten thousand, five
3 39 thousand dollars.

3 40 (c) For premises located within the corporate
3 41 limits of a city with a population of ten thousand
3 42 population or more, the greater of five thousand
3 43 dollars or the amount that would be established
3 44 pursuant to subparagraph (1) if gasoline were not sold
3 45 at the premises.

3 46 (d) For premises located outside the corporate
3 47 limits of any city, a sum equal to that charged in the
3 48 incorporated city located nearest the premises to be
3 49 licensed. If there is doubt as to which of two or more
3 50 differing corporate limits is the nearest, the license



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3115 continued

4 1 fee which is the largest shall prevail. However, if
4 2 the premises is located in an unincorporated town, for
4 3 purposes of this subparagraph, the unincorporated town
4 4 shall be treated as if it is a city.

4 5 b. Notwithstanding subsection 5, the holder of a
4 6 class "E" liquor control license may sell alcoholic
4 7 liquor for consumption off the licensed premises
4 8 on Sunday subject to section 123.49, subsection 2,
4 9 paragraph "b".

4 10 Sec. 9. Section 123.43A, subsection 1, Code 2011,
4 11 is amended by striking the subsection.

4 12 Sec. 10. Section 123.46, subsection 1, paragraph d,
4 13 Code 2011, is amended by striking the paragraph.

4 14 Sec. 11. Section 123.56, Code 2011, is amended by
4 15 adding the following new subsection:

4 16 NEW SUBSECTION. 6A. A manufacturer may use the
4 17 space and equipment of another manufacturer for the
4 18 purpose of manufacturing native wine, provided that
4 19 such an alternating proprietorship arrangement is
4 20 approved by the alcohol and tobacco tax and trade
4 21 bureau of the United States department of the treasury.
4 22 A separate class "A" wine permit shall be issued to
4 23 each manufacturer, and each manufacturer shall be
4 24 subject to the provisions of this chapter and the rules
4 25 of the division. Notwithstanding subsection 5, not
4 26 more than one class "C" native wine permit shall be
4 27 issued to a premises with alternating proprietorships.

4 28 Sec. 12. Section 123.129, subsection 1, Code 2011,
4 29 is amended by striking the subsection.

4 30 Sec. 13. Section 123.134, subsection 5, Code 2011,
4 31 is amended by striking the subsection.

4 32 Sec. 14. Section 123.141, Code 2011, is amended to
4 33 read as follows:

4 34 123.141 Keeping liquor where beer is sold.

4 35 No alcoholic liquor for beverage purposes shall be
4 36 used, or kept for any purpose in the place of business
4 37 of class "B" permittees, or on the premises of such
4 38 class "B" permittees, at any time. A violation of
4 39 any provision of this section shall be grounds for
4 40 suspension or revocation of the permit pursuant to
4 41 section 123.50, subsection 3. This section shall not
4 42 apply in any manner or in any way, ~~to any railway~~
~~4 43 car of any dining car company, sleeping car company,~~
~~4 44 railroad company or railway company, having a special~~
~~4 45 class "B" permit,~~ to the premises of any hotel or motel
4 46 for which a class "B" permit has been issued, other
4 47 than that part of such premises regularly used by the
4 48 hotel or motel for the principal purpose of selling
4 49 beer or food to the general public; or to drug stores
4 50 regularly and continuously employing a registered



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3115 continued

5 1 pharmacist, from having alcohol in stock for medicinal
5 2 and compounding purposes.

5 3 Sec. 15. Section 123.142, unnumbered paragraph 1,
5 4 Code 2011, is amended to read as follows:

5 5 It is unlawful for the holder of a class "B" or
5 6 class "C" permit issued under this chapter to sell
5 7 beer, except beer brewed on the premises covered by
5 8 a special class "A" permit or beer purchased from a
5 9 person holding a class "A" permit issued in accordance
5 10 with this chapter, and on which the tax provided in
5 11 section 123.136 has been paid. However, this section
5 12 does not apply to the holders of special class "B"

~~5 13 permits issued under section 123.133 for sales in cars
5 14 engaged in interstate commerce nor to class "D" liquor
5 15 control licensees as provided in this chapter.~~

5 16 Sec. 16. REPEAL. Sections 123.35, 123.133,
5 17 123.153, 123.154, 123.155, 123.156, 123.157, 123.158,
5 18 123.159, 123.160, 123.161, and 123.162, Code 2011, are
5 19 repealed.

5 20 Sec. 17. EFFECTIVE UPON ENACTMENT. The section
5 21 of this Act amending section 123.3, subsection 14A,
5 22 regarding the definition of high alcoholic content
5 23 beer, being deemed of immediate importance, takes
5 24 effect upon enactment.>

5 25 #2. Title page, by striking lines 2 and 3 and
5 26 inserting <beverages division of the department of
5 27 commerce, including alcoholic beverage permits and
5 28 licenses and administrative provisions, modifying fees,
5 29 and including effective date provisions.>

5 30 #3. By renumbering as necessary.

BRIAN SCHOENJAHN
SF242.1620 (2) 84
rn/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3116

PAG LIN

1 1 Amend Senate File 312 as follows:
1 2 #1. Page 1, before line 1 by inserting:
1 3 <Section 1. Section 321.34, subsection 10,
1 4 paragraph b, Code 2011, is amended to read as follows:
1 5 b. The application shall be approved by the
1 6 department in consultation with representatives
1 7 designated by the Iowa fire fighters' associations,
1 8 and the special registration plates shall be issued to
1 9 the applicant in exchange for the registration plates
1 10 previously issued to the person. An applicant who is
1 11 the owner of a business=trade truck or special truck
1 12 shall not be issued special fire fighter registration
1 13 plates for more than one vehicle. The fee for the
1 14 special plates is twenty=five dollars which shall be
1 15 paid in addition to the regular annual registration
1 16 fee. The department shall validate the special plates
1 17 in the same manner as regular registration plates are
1 18 validated under this section at the regular annual
1 19 registration fee.>
1 20 #2. Page 1, line 23, after <section> by inserting
1 21 <, except that the issuance of special fire fighter
1 22 plates shall be subject to the limitation imposed under
1 23 section 321.34, subsection 10, as amended in this Act>
1 24 #3. By renumbering as necessary.

TOM HANCOCK
SF312.849 (2) 84
dea/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3117

PAG LIN

1 1 Amend Senate File 435 as follows:
1 2 #1. Page 1, before line 1 by inserting:
1 3 <DIVISION I
1 4 MISCELLANEOUS DUTIES>
1 5 #2. Page 5, after line 25 by inserting:
1 6 <DIVISION ii
1 7 VOTER IDENTIFICATION REQUIREMENTS
1 8 Sec. _____. Section 43.49, subsection 1, unnumbered
1 9 paragraph 1, Code 2011, is amended to read as follows:
1 10 On the ~~Monday~~ or Tuesday following the primary
1 11 election, the board of supervisors shall meet, open,
1 12 and canvass the returns from each voting precinct in
1 13 the county, and make abstracts thereof, stating the
1 14 following:
1 15 Sec. _____. Section 48A.7A, subsection 1, paragraph
1 16 a, Code 2011, is amended to read as follows:
1 17 a. A person who is eligible to register to vote
1 18 and to vote may register on election day by appearing
1 19 in person at the polling place for the precinct in
1 20 which the individual resides and completing a voter
1 21 registration application, making written oath, and
1 22 providing proof of identity and ~~residence~~ proof of
1 23 residence pursuant to paragraph "b".
1 24 Sec. _____. Section 48A.7A, subsection 1, paragraph
1 25 b, Code 2011, is amended to read as follows:
1 26 b. (1) For purposes of this section, a person
1 27 may establish identity and ~~residence by presenting to~~
1 28 ~~the appropriate precinct election official a current~~
1 29 ~~and valid Iowa driver's license or Iowa nonoperator's~~
1 30 ~~identification card or by presenting any of the~~
1 31 ~~following current and valid forms of identification if~~
1 32 ~~such identification contains the person's photograph~~
1 33 ~~and a validity expiration date: by showing proof of~~
1 34 identification as required in section 49.77, subsection
1 35 3.
1 36 ~~(a) An out-of-state driver's license or~~
1 37 ~~nonoperator's identification card.~~
1 38 ~~(b) A United States passport.~~
1 39 ~~(c) A United States military identification card.~~
1 40 ~~(d) An identification card issued by an employer.~~
1 41 ~~(e) A student identification card issued by an~~
1 42 ~~Iowa high school or an Iowa postsecondary educational~~
1 43 ~~institution.~~
1 44 (2) ~~If the photographic identification presented~~
1 45 ~~does not contain the person's current address in the~~
1 46 ~~precinct, For purposes of this section, a person may~~
1 47 establish residence using proof of identification
1 48 presented pursuant to section 49.77, subsection 3,
1 49 if the proof of identification contains the person's
1 50 current address in the precinct. If the proof of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3117 continued

2 1 identification does not contain the person's current
2 2 address in the precinct, the person shall also present
2 3 one of the following documents that shows the person's
2 4 name and current address in the precinct:
2 5 (a) Residential lease.
2 6 (b) Property tax statement.
2 7 (c) Utility bill.
2 8 (d) Bank statement.
2 9 (e) Paycheck.
2 10 (f) Government check.
2 11 (g) Other government document.
2 12 Sec. _____. Section 48A.7A, subsection 1, paragraph
2 13 c, Code 2011, is amended by striking the paragraph.
2 14 Sec. _____. Section 48A.7A, subsections 2 and 3, Code
2 15 2011, are amended to read as follows:
2 16 2. The oath required in subsection 1, paragraph
2 17 "a", ~~and in paragraph "c", if applicable,~~ shall be
2 18 attached to the voter registration application.
2 19 3. At any time before election day, and after the
2 20 deadline for registration in section 48A.9, a person
2 21 who appears in person at the commissioner's office or
2 22 at a satellite absentee voting station or whose ballot
2 23 is delivered to a health care facility pursuant to
2 24 section 53.22 may register to vote and vote an absentee
2 25 ballot by following the procedure in this section
2 26 for registering to vote on election day. A person
2 27 who wishes to vote in person at the polling place on
2 28 election day and who has not registered to vote before
2 29 the deadline for registering in section 48A.9, is
2 30 required to register to vote at the polling place on
2 31 election day following the procedure in this section.
2 32 However, the person may complete the voter registration
2 33 application at the commissioner's office and, after the
2 34 commissioner has reviewed the completed application,
2 35 may present the application to the appropriate precinct
2 36 election official along with proof of ~~identity and~~
~~2 37 residency~~ identification and proof of residence.
2 38 Sec. _____. Section 48A.7A, subsection 4, paragraph
2 39 b, Code 2011, is amended by striking the paragraph.
2 40 Sec. _____. Section 48A.8, subsection 2, unnumbered
2 41 paragraph 1, Code 2011, is amended to read as follows:
2 42 An eligible elector who registers by mail and who
2 43 has not previously voted in an election for federal
2 44 office in the county of registration shall be required
2 45 to provide additional identification documents when
2 46 voting for the first time in the county, unless the
2 47 registrant provided on the registration form the
2 48 registrant's Iowa driver's license number, or the
2 49 registrant's Iowa nonoperator's identification card
2 50 number, or the last four numerals of the registrant's



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3117 continued

3 1 social security number and the driver's license,
3 2 nonoperator's identification, or partial social
3 3 security number matches an existing state or federal
3 4 identification record with the same number, name, and
3 5 date of birth. If the registrant is required to show
3 6 additional identification under this subsection and
3 7 votes in person at the polls, or by absentee ballot
3 8 at the commissioner's office or at a satellite voting
3 9 station, the registrant shall provide a current and
3 10 valid photo identification card, or shall present to
3 11 the appropriate election official one of the following
3 12 current documents that shows the name and address of
3 13 the registrant:

3 14 Sec. _____. Section 48A.8, subsection 4, Code 2011,
3 15 is amended to read as follows:

3 16 4. A registrant under subsection 2 who is required
3 17 to present additional identification when casting
3 18 a ballot in person shall be permitted to vote a
3 19 provisional ballot if the voter does not provide the
3 20 required additional identification documents pursuant
3 21 to subsection 2. If a voter who is required to present
3 22 such additional identification when casting a ballot
3 23 votes an absentee ballot by mail, the ballot returned
3 24 by the voter shall be considered a provisional ballot
3 25 pursuant to sections 49.81 and 53.31.

3 26 Sec. _____. Section 48A.27, subsection 4, paragraph
3 27 c, subparagraph (2), Code 2011, is amended to read as
3 28 follows:

3 29 (2) The notice shall contain a statement in
3 30 substantially the following form:
3 31 Information received from the United States postal
3 32 service indicates that you are no longer a resident of,
3 33 and therefore not eligible to vote in (name of county)
3 34 County, Iowa. If this information is not correct,
3 35 and you still live in (name of county) County, please
3 36 complete and mail the attached postage paid card at
3 37 least ten days before the primary or general election
3 38 and at least eleven days before any other election at
3 39 which you wish to vote. If the information is correct
3 40 and you have moved, please contact a local official
3 41 in your new area for assistance in registering there.
3 42 ~~If you do not mail in the card, you may be required~~
3 43 ~~to show identification before being allowed to vote~~
3 44 ~~in (name of county) County. If you do not return the~~
3 45 card, and you do not vote in an election in (name of
3 46 county) County, Iowa, on or before (date of second
3 47 general election following the date of the notice) your
3 48 name will be removed from the list of voters in that
3 49 county.

3 50 Sec. _____. Section 48A.29, subsection 1, paragraph



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

Senate Amendment 3117 continued

4 1 b, Code 2011, is amended to read as follows:

4 2 b. The notice shall contain a statement in
4 3 substantially the following form:

4 4 Information received from the United States postal
4 5 service indicates that you are no longer a resident
4 6 of (residence address) in (name of county) County,
4 7 Iowa. If this information is not correct, and you
4 8 still live in (name of county) County, please complete
4 9 and mail the attached postage paid card at least ten
4 10 days before the primary or general election and at
4 11 least eleven days before any other election at which
4 12 you wish to vote. If the information is correct, and
4 13 you have moved, please contact a local official in your
4 14 new area for assistance in registering there. ~~If you~~

~~4 15 do not mail in the card, you may be required to show~~
~~4 16 identification before being allowed to vote in (name~~
~~4 17 of county) County. If you do not return the card, and~~
4 18 you do not vote in some election in (name of county)
4 19 County, Iowa, on or before (date of second general
4 20 election following the date of the notice) your name
4 21 will be removed from the list of voters in that county.

4 22 Sec. _____. Section 48A.29, subsection 3, paragraph
4 23 b, Code 2011, is amended to read as follows:

4 24 b. The notice shall contain a statement in
4 25 substantially the following form:

4 26 Information received by this office indicates that
4 27 you are no longer a resident of (residence address) in
4 28 (name of county) County, Iowa. If the information is
4 29 not correct, and you still live at that address, please
4 30 complete and mail the attached postage paid card at
4 31 least ten days before the primary or general election
4 32 and at least eleven days before any other election at
4 33 which you wish to vote. If the information is correct,
4 34 and you have moved within the county, you may update
4 35 your registration by listing your new address on the
4 36 card and mailing it back. If you have moved outside
4 37 the county, please contact a local official in your
4 38 new area for assistance in registering there. ~~If you~~

~~4 39 do not mail in the card, you may be required to show~~
~~4 40 identification before being allowed to vote in (name~~
~~4 41 of county) County. If you do not return the card, and~~
4 42 you do not vote in some election in (name of county)
4 43 County, Iowa, on or before (date of second general
4 44 election following the date of the notice) your name
4 45 will be removed from the list of registered voters in
4 46 that county.

4 47 Sec. _____. Section 49.77, subsection 3, Code 2011,
4 48 is amended by striking the subsection and inserting in
4 49 lieu thereof the following:

4 50 3. a. A precinct election official shall



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3117 continued

5 1 require the voter to produce for inspection proof of
5 2 identification before being allowed to sign the voter
5 3 roster or declaration of eligibility.
5 4 b. For purposes of this section, "proof of
5 5 identification" refers to a document that satisfies all
5 6 of the following:
5 7 (1) The document shows the name of the individual
5 8 to whom the document was issued which shall conform to
5 9 the name on the election register.
5 10 (2) The document shows a photograph of the
5 11 individual to whom it was issued.
5 12 (3) The document includes an expiration date, and
5 13 the document is not expired at the time it is presented
5 14 or expired after the date of the last preceding general
5 15 election.
5 16 (4) The document was issued by the United States or
5 17 the state of Iowa.
5 18 c. If a voter is unable or refuses to present proof
5 19 of identification or the precinct election official
5 20 determines the proof of identification provided by the
5 21 voter does not qualify as proof of identification under
5 22 paragraph "b", the precinct election official shall
5 23 challenge the voter as provided in section 49.79. If
5 24 the voter is challenged under this paragraph "c", the
5 25 voter shall be offered the option to vote a ballot, but
5 26 only in accordance with section 49.81.
5 27 Sec. _____. Section 49.77, Code 2011, is amended by
5 28 adding the following new subsection:
5 29 NEW SUBSECTION. 3A. If proof of identification is
5 30 established under subsection 3 to the satisfaction of
5 31 the precinct election officials, the person may then
5 32 be allowed to vote.
5 33 Sec. _____. Section 49.77, subsection 4, paragraphs a
5 34 and b, Code 2011, are amended to read as follows:
5 35 a. A person whose name does not appear on the
5 36 election register of the precinct in which that
5 37 person claims the right to vote shall not be permitted
5 38 to vote, unless the person affirms that the person
5 39 is currently registered in the county and presents
5 40 proof of identity, ~~or the commissioner informs the~~
~~5 41 precinct election officials that an error has occurred~~
~~5 42 and that the person is a registered voter of that~~
~~5 43 precinct identification pursuant to subsection 3.~~
5 44 If the commissioner finds no record of the person's
5 45 registration but the person insists that the person
5 46 is a registered voter of that precinct, the precinct
5 47 election officials shall allow the person to cast a
5 48 ballot in the manner prescribed by section 49.81.
5 49 b. If the voter informs the precinct election
5 50 official that the voter resides in the precinct and is



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3117 continued

6 1 not registered to vote, the voter may register to vote
6 2 pursuant to section 48A.7A and cast a ballot. If such
6 3 a voter is unable to establish identity and residency
6 4 in the manner provided in section 48A.7A, subsection
6 5 1, paragraph "b" ~~or "c"~~, the voter shall be allowed
6 6 to cast a ballot in the manner prescribed by section
6 7 49.81.

6 8 Sec. _____. Section 49.79, subsection 2, Code 2011,
6 9 is amended by adding the following new paragraph:
6 10 NEW PARAGRAPH. h. The challenged person was unable
6 11 or refused to provide proof of identification, or
6 12 provided insufficient proof of identification, pursuant
6 13 to section 49.77, subsection 3.

6 14 Sec. _____. Section 49.81, subsection 1, Code 2011,
6 15 is amended to read as follows:

6 16 1. A prospective voter who is prohibited under
6 17 section 48A.8, subsection 4, section 49.77, subsection
6 18 3 or 4, section 49.80, or section 53.19, subsection
6 19 3, from voting except under this section shall be
6 20 notified by the appropriate precinct election official
6 21 that the voter may cast a provisional ballot. The
6 22 voter shall mark the ballot and immediately seal it
6 23 in an envelope of the type prescribed by subsection
6 24 4. The voter shall deliver the sealed envelope to a
6 25 precinct election official who shall deposit it in an
6 26 envelope marked "provisional ballots". The ballot
6 27 shall be considered as having been cast in the special
6 28 precinct established by section 53.20 for purposes of
6 29 the postelection canvass.

6 30 Sec. _____. Section 49.81, subsection 2, paragraph b,
6 31 Code 2011, is amended to read as follows:

6 32 b. If the person is casting a provisional ballot
6 33 because the person ~~failed~~ was unable or refused to
6 34 provide a required form of identification under section
6 35 48A.7A, subsection 1, section 48A.8, subsection 4, or
6 36 section 49.77, subsection 3, a list of the types of
6 37 acceptable identification and notification that the
6 38 person must show identification before the ballot can
6 39 be counted. If a voter is unable or refuses to show
6 40 proof of identification required under section 49.77,
6 41 subsection 3, the notification shall also inform the
6 42 voter of the right to execute an affidavit pursuant to
6 43 subsection 5.

6 44 Sec. _____. Section 49.81, Code 2011, is amended by
6 45 adding the following new subsection:

6 46 NEW SUBSECTION. 5. a. If a voter casts a
6 47 provisional ballot pursuant to section 49.77,
6 48 subsection 3, the precinct election official shall
6 49 indicate on the provisional ballot envelope that the
6 50 voter was challenged for the voter's inability or



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3117 continued

7 1 refusal to provide proof of identification.
7 2 b. No later than noon on the Monday following
7 3 the election, a voter challenged pursuant to section
7 4 49.77, subsection 3, paragraph "c", shall appear at the
7 5 commissioner's office and execute an affidavit in the
7 6 form prescribed by the state commissioner, affirming
7 7 that the voter is the same individual who personally
7 8 appeared before the precinct election board and cast
7 9 the provisional ballot on election day. The voter
7 10 must also present proof of identification required by
7 11 section 49.77, subsection 3, or further affirm either
7 12 of the following:

7 13 (1) The voter is indigent and unable to obtain
7 14 proof of identification without the payment of a fee.

7 15 (2) The voter has a religious objection to being
7 16 photographed.

7 17 c. If the board determines that the voter has
7 18 been challenged solely for the inability or refusal
7 19 of the voter to provide proof of identification and
7 20 the voter presents proof of identification or executes
7 21 the affidavit, as provided in paragraph "b", the board
7 22 shall find that the provisional ballot is valid and
7 23 direct that it be counted.

7 24 Sec. _____. Section 50.24, subsection 1, Code 2011,
7 25 is amended to read as follows:

7 26 1. The county board of supervisors shall meet to
7 27 canvass the vote on the first ~~Monday or~~ Tuesday after
7 28 the day of each election to which this chapter is
7 29 applicable, unless the law authorizing the election
7 30 specifies another date for the canvass. If that ~~Monday~~
~~7 31 or~~ Tuesday is a public holiday, section 4.1, subsection

7 32 34, controls.
7 33 Sec. _____. Section 50.46, Code 2011, is amended to
7 34 read as follows:

7 35 50.46 Special elections ==== canvass and certificate.

7 36 When a special election has been held to fill a
7 37 vacancy, pursuant to section 69.14, the board of
7 38 county canvassers shall meet ~~no earlier than 1:00 p.m.~~

~~7 39 on the second day after the election, on the first~~
7 40 Tuesday following the election and canvass the votes

7 41 cast at the election. If the ~~second day~~ first Tuesday
7 42 after the election is a public holiday, section 4.1,
7 43 subsection 34, controls. The commissioner, as soon as
7 44 the canvass is completed, shall transmit to the state
7 45 commissioner an abstract of the votes so canvassed,
7 46 and the state board, within five days after receiving
7 47 such abstracts, shall canvass the tally lists. A
7 48 certificate of election shall be issued by the county
7 49 or state board of canvassers, as in other cases. All
7 50 the provisions regulating elections, obtaining tally



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3117 continued

8 1 lists, and canvass of votes at general elections,
8 2 except as to time, shall apply to special elections.
8 3 Sec. _____. Section 50.48, subsection 7, Code 2011,
8 4 is amended to read as follows:

8 5 7. If the election is an election held by a city
8 6 which is not the final election for the office in
8 7 question, the recount shall progress according to the
8 8 times provided by this subsection. If this subsection
8 9 applies the canvass shall be held ~~by the second day~~
8 10 on the Tuesday after the election, the request for a
8 11 recount must be made by the ~~third~~ eighth day after
8 12 the election, the board shall convene to conduct the
8 13 recount by the ~~sixth~~ ninth day after the election, and
8 14 the report shall be filed by the ~~eleventh~~ thirteenth
8 15 day after the election.

8 16 Sec. _____. Section 53.10, subsection 2, Code 2011,
8 17 is amended to read as follows:

8 18 2. Each person who wishes to vote by absentee
8 19 ballot at the commissioner's office shall first sign
8 20 an application for a ballot including the following
8 21 information: name, current address, and the election
8 22 for which the ballot is requested. The person may
8 23 report a change of address or other information on
8 24 the person's voter registration record at that time.
8 25 The person must also provide proof of identification
8 26 pursuant to section 49.77, subsection 3, before

8 27 receiving an absentee ballot. Upon receipt of a
8 28 ballot, the registered voter shall immediately mark
8 29 the ballot; enclose the ballot in a secrecy envelope,
8 30 if necessary, and seal it in an affidavit envelope;
8 31 subscribe to the affidavit on the reverse side of
8 32 the envelope; and return the absentee ballot to the
8 33 commissioner. The commissioner shall record the
8 34 numbers appearing on the application and affidavit
8 35 envelope along with the name of the registered voter.

8 36 Sec. _____. Section 53.22, subsection 1, Code 2011,
8 37 is amended by adding the following new paragraph:

8 38 NEW PARAGRAPH. d. Before receiving a ballot under
8 39 this subsection, each applicant shall present proof of
8 40 identification pursuant to section 49.77, subsection 3,
8 41 to the special precinct election board members. If an
8 42 applicant is unable to present proof of identification,
8 43 the voter's ballot shall be considered a provisional
8 44 ballot cast pursuant to section 49.81, and the special
8 45 precinct election board members shall give the voter
8 46 an opportunity to execute an affidavit in a form
8 47 prescribed by the state commissioner affirming either
8 48 of the reasons listed in section 49.81, subsection 5,
8 49 paragraph "b", or that the voter is confined to the
8 50 health care facility or hospital and therefore unable



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

Senate Amendment 3117 continued

9 1 to obtain proof of identification.
9 2 Sec. _____. Section 144.46, Code 2011, is amended by
9 3 adding the following new subsection:
9 4 NEW SUBSECTION. 3. The fees adopted by the
9 5 department pursuant to subsection 1 shall not be
9 6 assessed to applicants who execute an affidavit
9 7 indicating the applicant is obtaining a certified copy
9 8 of a birth certificate for the purpose of obtaining an
9 9 Iowa nonoperator's identification card to be used for
9 10 voting.

9 11 Sec. _____. Section 277.20, unnumbered paragraph 1,
9 12 Code 2011, is amended to read as follows:
9 13 On the next ~~Friday~~ Tuesday after the regular school
9 14 election, the county board of supervisors shall
9 15 canvass the returns made to the county commissioner
9 16 of elections from the several precinct polling places
9 17 and the absentee ballot counting board, ascertain
9 18 the result of the voting with regard to every matter
9 19 voted upon and cause a record to be made thereof as
9 20 required by section 50.24. Special elections held in
9 21 school districts shall be canvassed at the time and
9 22 in the manner required by that section. The board
9 23 shall declare the results of the voting for members of
9 24 boards of directors of school corporations nominated
9 25 pursuant to section 277.4, and the commissioner shall
9 26 at once issue a certificate of election to each person
9 27 declared elected. The board shall also declare the
9 28 results of the voting on any public question submitted
9 29 to the voters of a single school district, and the
9 30 commissioner shall certify the result as required by
9 31 section 50.27.

9 32 Sec. _____. Section 321.190, subsection 1, paragraph
9 33 d, Code 2011, is amended to read as follows:
9 34 d. The fee for a nonoperator's identification card
9 35 shall be five dollars and the card shall be valid for
9 36 a period of five years from the date of issuance. A
9 37 nonoperator's identification card shall be issued
9 38 without expiration to anyone age seventy or over. If
9 39 an applicant for a nonoperator's identification card
9 40 is a foreign national who is temporarily present in
9 41 this state, the nonoperator's identification card
9 42 shall be issued only for the length of time the foreign
9 43 national is authorized to be present as determined by
9 44 the department, not to exceed two years. An issuance
9 45 fee shall not be charged for a person whose driver's
9 46 license or driving privilege has been suspended
9 47 under section 321.210, subsection 1, paragraph
9 48 "a", subparagraph (3), or for a person obtaining an
9 49 identification card to be used under section 49.77,
9 50 subsection 3, for voting purposes.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3117 continued

10 1 Sec. _____. Section 331.605, subsection 1, paragraph
10 2 f, Code 2011, is amended to read as follows:

10 3 f. A county fee of four dollars for a certified
10 4 copy of a birth record, death record, or marriage
10 5 certificate. The fee prescribed by this paragraph
10 6 shall not be assessed to applicants requesting a
10 7 certified copy of a birth record if the applicant
10 8 executes an affidavit indicating the applicant is
10 9 requesting the certified copy of a birth record
10 10 for the purpose of obtaining an Iowa nonoperator's
10 11 identification card to be used for voting.

10 12 Sec. _____. Section 376.7, subsection 1, Code 2011,
10 13 is amended to read as follows:

10 14 1. If a primary election is necessary, it shall be
10 15 held on the Tuesday four weeks before the date of the
10 16 regular city election. For each office on the ballot,
10 17 a voter shall only vote for the number of persons to be
10 18 elected to that office at the regular city election.
10 19 The county board of supervisors shall publicly canvass
10 20 the tally lists of the vote cast in the primary
10 21 election, following the procedures prescribed in
10 22 section 50.24, at a meeting to be held on the ~~second~~
10 23 ~~day first Tuesday following the primary election, and~~
10 24 ~~beginning no earlier than 1:00 p.m. on that day.~~

10 25 Sec. _____. Section 376.9, subsection 1, Code 2011,
10 26 is amended to read as follows:

10 27 1. A runoff election may be held only for positions
10 28 unfilled because of failure of a sufficient number of
10 29 candidates to receive a majority vote in the regular
10 30 city election. When a council has chosen a runoff
10 31 election in lieu of a primary, the county board of
10 32 supervisors shall publicly canvass the tally lists of
10 33 the vote cast in the regular city election, following
10 34 the procedures prescribed in section 50.24, at a
10 35 meeting to be held on the ~~second day first Tuesday~~
10 36 ~~following the regular city election, and beginning no~~
10 37 ~~earlier than 1:00 p.m. on that day.~~ Candidates who
10 38 do not receive a majority of the votes cast for an
10 39 office, but who receive the highest number of votes
10 40 cast for that office in the regular city election, to
10 41 the extent of twice the number of unfilled positions,
10 42 are candidates in the runoff election.

10 43 Sec. _____. EFFECTIVE DATE AND APPLICABILITY. This
10 44 division of this Act takes effect January 1, 2012, and
10 45 applies to elections held on or after that date.>

10 46 #3. Title page, line 1, after <to> by inserting

10 47 <government officials and activities, including>

10 48 #4. Title page, line 1, after <auditor> by inserting

10 49 <and voting>

10 50 #5. By renumbering as necessary.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

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**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

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Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3118

PAG LIN

1 1 Amend Senate File 312 as follows:
1 2 #1. Page 1, before line 1 by inserting:
1 3 <DIVISION I
1 4 BUSINESS=TRADE AND SPECIAL TRUCKS ==== REGISTRATION
1 5 PLATES>
1 6 #2. Page 2, line 14, after <This> by inserting
1 7 <division of this>
1 8 #3. Page 2, after line 16 by inserting:
1 9 <DIVISION II
1 10 NEW SPECIAL REGISTRATION PLATES
1 11 Sec. _____. Section 35A.11, Code 2011, is amended by
1 12 adding the following new subsection:
1 13 NEW SUBSECTION. 8A. Combat infantryman badge,
1 14 combat action badge, combat action ribbon, and combat
1 15 medical badge plates issued pursuant to section 321.34,
1 16 subsection 20C.
1 17 Sec. _____. Section 321.34, Code 2011, is amended by
1 18 adding the following new subsection:
1 19 NEW SUBSECTION. 20C. Combat infantryman badge,
1 20 combat action badge, combat action ribbon, and combat
1 21 medical badge plates.
1 22 a. An owner referred to in subsection 12 who was
1 23 awarded a combat infantryman badge, combat action
1 24 badge, combat action ribbon, or combat medical badge
1 25 by the United States government may, upon written
1 26 application to the department and presentation
1 27 of satisfactory proof of the award, order special
1 28 registration plates with a combat infantryman badge,
1 29 combat action badge, combat action ribbon, or combat
1 30 medical badge processed emblem. The emblems shall be
1 31 designed by the department in consultation with the
1 32 adjutant general. The special plate fees collected
1 33 by the director under subsection 12, paragraphs "a"
1 34 and "c", from the issuance and annual validation of
1 35 letter=number designated and personalized combat
1 36 infantryman badge, combat action badge, combat action
1 37 ribbon, and combat medical badge plates shall be paid
1 38 monthly to the treasurer of state and deposited in
1 39 the road use tax fund. The treasurer of state shall
1 40 transfer monthly from the statutory allocations fund
1 41 created under section 321.145, subsection 2, to the
1 42 veterans license fee fund created in section 35A.11 the
1 43 amount of the special fees collected under subsection
1 44 12, paragraph "a", in the previous month for combat
1 45 infantryman badge, combat action badge, combat action
1 46 ribbon, and combat medical badge plates.
1 47 b. The surviving spouse of a person who was issued
1 48 special plates under this subsection may continue
1 49 to use or apply for and use the special plates
1 50 subject to registration of the special plates in



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

Senate Amendment 3118 continued

2 1 the surviving spouse's name and upon payment of the
2 2 annual five=dollar special plate fee and the regular
2 3 annual registration fee for the vehicle. If the
2 4 surviving spouse remarries, the surviving spouse shall
2 5 return the special plates to the department and the
2 6 department shall issue regular registration plates to
2 7 the surviving spouse.
2 8 Sec. _____. Section 321.145, subsection 2, paragraph
2 9 b, subparagraph (3), Code 2011, is amended to read as
2 10 follows:
2 11 (3) The amounts required to be transferred pursuant
2 12 to section 321.34 from revenues available under
2 13 this subsection shall be transferred and credited as
2 14 provided in section 321.34, subsections 7, 10, 10A, 11,
2 15 11A, 11B, 13, 16, 17, 18, 19, 20, 20A, 20B, 20C, 21,
2 16 22, 23, and 24 for the various purposes specified in
2 17 those subsections.
2 18 Sec. _____. EFFECTIVE DATE. This division of this
2 19 Act takes effect January 1, 2012.>
2 20 #4. Title page, line 1, after <concerning> by
2 21 inserting <special motor vehicle registration plates,
2 22 including>
2 23 #5. Title page, line 2, by striking <and including
2 24 applicability date> and inserting <creating new combat
2 25 infantryman badge, combat action badge, combat action
2 26 ribbon, and combat medical badge registration plates,
2 27 and including effective date and applicability>
2 28 #6. By renumbering as necessary.

MATT McCOY
SF312.1659 (2) 84
dea/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3119

PAG LIN

1 1 Amend House File 363, as passed by the House, as
1 2 follows:
1 3 #1. By striking everything after the enacting clause
1 4 and inserting:
1 5 <Section 1. Section 35A.3, subsection 2, Code 2011,
1 6 is amended to read as follows:
1 7 2. Review and approve, prior to adoption, all
1 8 proposed rules submitted by the department concerning
1 9 the management and operation of the department and
1 10 programs administered by the department. Unless the
~~1 11 commission votes to disapprove a proposed rule on a~~
~~1 12 two-thirds vote at the earlier of the next regularly~~
~~1 13 scheduled meeting of the commission or a special~~
~~1 14 meeting of the commission called by the commission~~
~~1 15 within thirty days of the date the proposed rule is~~
~~1 16 submitted, the department may proceed to adopt the~~
~~1 17 rule.~~
1 18 Sec. 2. Section 35A.3, Code 2011, is amended by
1 19 adding the following new subsections:
1 20 NEW SUBSECTION. 6. Provide guidance and make
1 21 recommendations to the department during an annual
1 22 review of the department's proposed budget and provide
1 23 guidance and make recommendations for budget changes
1 24 that occur during the fiscal year.
1 25 NEW SUBSECTION. 7. Consult with the department
1 26 regarding certification training for executive
1 27 directors and administrators of county commissions of
1 28 veteran affairs pursuant to section 35B.6.
1 29 Sec. 3. Section 35A.5, subsection 12, Code 2011, is
1 30 amended to read as follows:
1 31 12. Adopt rules pursuant to chapter 17A and
1 32 establish policy for the management and operation
1 33 of the department. Prior to adopting rules, the
1 34 department shall submit proposed rules to the
1 35 commission for review and approval pursuant to the
1 36 requirements of section 35A.3.>

COMMITTEE ON VETERANS AFFAIRS
DARYL BEALL, CHAIRPERSON
HF363.1202 (5) 84
aw/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3120

PAG LIN

1 1 Amend Senate File 431 as follows:
1 2 #1. Page 1, by striking lines 1 through 17 and
1 3 inserting:
1 4 <Sec. _____. Section 717A.1, Code 2011, is amended by
1 5 adding the following new subsection:
1 6 NEW SUBSECTION. 1A. "Agricultural animal facility"
1 7 or "facility" means a location where an agricultural
1 8 animal is maintained, including but not limited to a
1 9 location dedicated to farming as defined in section
1 10 9H.1, a livestock market, or an exhibition.
1 11 Sec. _____. Section 717A.1, subsection 2, Code 2011,
1 12 is amended to read as follows:
1 13 2. "Agricultural production" means any activity
1 14 related to maintaining an agricultural animal at
1 15 an agricultural animal facility or a crop on crop
1 16 operation property.
1 17 Sec. _____. Section 717A.1, subsections 3 and 4, Code
1 18 2011, are amended by striking the subsections.>
1 19 #2. By striking page 1, line 25, through page 2,
1 20 line 1, and inserting:
1 21 <Sec. _____. Section 717A.1, subsection 9, paragraph
1 22 a, Code 2011, is amended to read as follows:
1 23 a. For an agricultural animal maintained at an
1 24 agricultural animal facility or property ~~belonging~~

1 25 ~~to kept at an agricultural animal facility, "deprive"~~
1 26 means to do any of the following:
1 27 (1) Withhold the agricultural animal or property
1 28 for a period of time sufficient to significantly reduce
1 29 the value or enjoyment of the agricultural animal or
1 30 property.
1 31 (2) Withhold the agricultural animal or
1 32 property for ransom or upon condition to restore
1 33 the agricultural animal or property in return for
1 34 compensation.
1 35 (3) Dispose of the agricultural animal or property
1 36 in a manner that makes recovery of the agricultural
1 37 animal or property by its owner unlikely.
1 38 Sec. _____. Section 717A.1, subsection 10, paragraph
1 39 a, Code 2011, is amended to read as follows:
1 40 a. Keep and provide for the care and feeding of any
1 41 agricultural animal, including any activity relating
1 42 to confining, handling, breeding, transporting, or
1 43 exhibiting the animal.>
1 44 #3. Page 2, by striking line 5 and inserting <a
1 45 legal interest in an agricultural animal maintained at

1 46 the agricultural animal facility>
1 47 #4. Page 2, line 6, before <animal> by inserting
1 48 <agricultural>
1 49 #5. Page 2, line 25, by striking <Animal> and
1 50 inserting <Agricultural animal>



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

Senate Amendment 3120 continued

2 1 #6. Page 2, line 26, by striking <animal> and
2 2 inserting <agricultural animal>
2 3 #7. Page 2, line 27, by striking <animal> and
2 4 inserting <agricultural animal>
2 5 #8. Page 2, line 29, by striking <animal> and
2 6 inserting <agricultural animal>
2 7 #9. Page 2, by striking line 33 and inserting:
2 8 <____. Kill or injure an agricultural animal
2 9 maintained at the agricultural animal>
2 10 #10. Page 3, line 3, by striking <animal> and
2 11 inserting <agricultural animal>
2 12 #11. Page 3, line 4, by striking <animal> and
2 13 inserting <agricultural animal>
2 14 #12. Page 3, line 5, by striking <animal> and
2 15 inserting <agricultural animal>
2 16 #13. Page 3, line 7, by striking <animal> and
2 17 inserting <agricultural animal>
2 18 #14. Page 3, line 9, by striking <animal> and
2 19 inserting <agricultural animal>
2 20 #15. Page 3, line 11, by striking <Animal> and
2 21 inserting <Agricultural animal>
2 22 #16. Page 3, line 13, by striking <animal> and
2 23 inserting <agricultural animal>
2 24 #17. Page 3, line 14, by striking <animal> and
2 25 inserting <agricultural animal>
2 26 #18. Page 3, line 16, by striking <Animal> and
2 27 inserting <Agricultural animal>
2 28 #19. Page 3, line 18, by striking <animal> and
2 29 inserting <agricultural animal>
2 30 #20. Page 3, line 20, by striking <animal> and
2 31 inserting <agricultural animal>
2 32 #21. Page 3, line 22, by striking <Animal> and
2 33 inserting <Agricultural animal>
2 34 #22. Page 3, line 24, by striking <animal> and
2 35 inserting <agricultural animal>
2 36 #23. Page 3, line 26, by striking <animal> and
2 37 inserting <agricultural animal>
2 38 #24. Page 3, line 28, by striking <Animal> and
2 39 inserting <Agricultural animal>
2 40 #25. Page 3, line 30, by striking <animal> and
2 41 inserting <agricultural animal>
2 42 #26. Page 3, line 32, by striking <animal> and
2 43 inserting <agricultural animal>
2 44 #27. Page 3, line 34, by striking <Animal> and
2 45 inserting <Agricultural animal>
2 46 #28. Page 4, line 1, by striking <animal> and
2 47 inserting <agricultural animal>
2 48 #29. Page 4, line 2, by striking <animal> and
2 49 inserting <agricultural animal>
2 50 #30. Page 4, line 5, by striking <animal> and



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

Senate Amendment 3120 continued

3 1 inserting <agricultural animal>
3 2 #31. Page 4, line 8, by striking <animal> and
3 3 inserting <agricultural animal>
3 4 #32. Page 4, line 9, by striking <animal> and
3 5 inserting <agricultural animal>
3 6 #33. Page 4, line 12, by striking <animal> and
3 7 inserting <agricultural animal>
3 8 #34. Page 4, line 15, by striking <Animal> and
3 9 inserting <Agricultural animal>
3 10 #35. Page 4, line 16, by striking <animal> and
3 11 inserting <agricultural animal>
3 12 #36. Page 4, line 17, by striking <animal> and
3 13 inserting <agricultural animal>
3 14 #37. Page 4, line 20, by striking <animal> and
3 15 inserting <agricultural animal>
3 16 #38. Page 4, line 22, by striking <animal> and
3 17 inserting <agricultural animal>
3 18 #39. Page 4, line 24, by striking <animal> and
3 19 inserting <agricultural animal>
3 20 #40. Page 4, line 27, by striking <animal> and
3 21 inserting <agricultural animal>
3 22 #41. Page 4, line 29, by striking <animal> and
3 23 inserting <agricultural animal>
3 24 #42. Page 4, by striking line 30 and inserting
3 25 <agricultural animal maintained at the agricultural
3 26 animal facility or other property>
3 27 #43. Page 4, by striking line 31 and inserting <kept
3 28 at the agricultural animal facility, with intent to
3 29 deprive the agricultural animal>
3 30 #44. Page 4, line 32, by striking <animal> and
3 31 inserting <agricultural animal>
3 32 #45. Page 4, by striking line 33 and inserting:
3 33 <____. Enter onto the agricultural animal facility,
3 34 or remain at the agricultural animal>
3 35 #46. Page 4, line 35, by striking <animal> and
3 36 inserting <agricultural animal>
3 37 #47. Page 5, line 6, by striking <animals> and
3 38 inserting <agricultural animals>
3 39 #48. Page 5, line 9, by striking <animal> and
3 40 inserting <agricultural animal>
3 41 #49. Page 5, line 15, by striking <animal> and
3 42 inserting <agricultural animal>
3 43 #50. Page 5, line 17, by striking <Animal> and
3 44 inserting <Agricultural animal>
3 45 #51. Page 5, line 18, by striking <animal> and
3 46 inserting <agricultural animal>
3 47 #52. Page 5, line 20, by striking <animal> and
3 48 inserting <agricultural animal>
3 49 #53. Page 5, line 22, by striking <animal> and
3 50 inserting <agricultural animal>



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

Senate Amendment 3120 continued

4 1 #54. Page 5, line 24, by striking <animal> and
4 2 inserting <agricultural animal>
4 3 #55. Page 5, line 26, by striking <animal> and
4 4 inserting <agricultural animal>
4 5 #56. Page 5, line 32, by striking <animal> and
4 6 inserting <agricultural animal>
4 7 #57. Page 5, line 34, by striking <Animal> and
4 8 inserting <Agricultural animal>
4 9 #58. Page 6, line 2, by striking <animal> and
4 10 inserting <agricultural animal>
4 11 #59. Page 6, line 3, by striking <animal> and
4 12 inserting <agricultural animal>
4 13 #60. Page 6, line 13, by striking <Animal> and
4 14 inserting <Agricultural animal>
4 15 #61. Page 6, line 16, by striking <animal> and
4 16 inserting <agricultural animal>
4 17 #62. Page 6, by striking line 17 and inserting
4 18 <agricultural animal maintained at the agricultural
4 19 animal facility, or other property>
4 20 #63. Page 6, line 18, by striking <animal> and
4 21 inserting <agricultural animal>
4 22 #64. Page 6, by striking line 24 and inserting
4 23 <action involving an agricultural animal facility, an
4 24 agricultural animal maintained at>
4 25 #65. Page 6, by striking line 25 and inserting <the
4 26 agricultural animal facility, or other property kept
4 27 at the agricultural animal>
4 28 #66. Page 10, after line 28 by inserting:
4 29 <Sec. _____. Section 717A.4, subsection 1, Code 2011,
4 30 is amended to read as follows:
4 31 1. Except as provided in subsection 2, a person
4 32 shall not willfully possess, transport, or transfer a
4 33 pathogen with an intent to threaten the health of an
4 34 agricultural animal or crop.
4 35 a. For agricultural animals, a pathogen restricted
4 36 under this section shall be limited to a biological
4 37 agent or toxin listed in 9 C.F.R. { 121.2(b), as that
4 38 list exists on January 1, 2004.
4 39 b. For crops, a pathogen restricted under this
4 40 section shall be limited to a biological agent or toxin
4 41 listed in 7 C.F.R. { 331.3, as that list exists on
4 42 January 1, 2004.>
4 43 #67. By renumbering as necessary.

MATT McCOY
SF431.1282 (1) 84
da/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3121

PAG LIN

1 1 Amend Senate File 431 as follows:
1 2 #1. Page 10, after line 28 by inserting:
1 3 <Sec. _____. Section 717B.3A, subsection 3, paragraph
1 4 a, subparagraphs (1) and (2), Code 2011, are amended
1 5 to read as follows:
1 6 (1) For the first ~~or a subsequent~~ conviction, the
1 7 person is guilty of ~~an aggravated misdemeanor~~ a class
1 8 "D" felony. The sentencing order shall provide that
1 9 the person submit to psychological evaluation and
1 10 treatment according to terms required by the court.
1 11 The costs of the evaluation and treatment shall be
1 12 paid by the person. In addition, the sentencing order
1 13 shall provide that the person complete a community
1 14 work requirement, which may include a work requirement
1 15 performed at an animal shelter or pound, as defined
1 16 in section 162.2, according to terms required by the
1 17 court.
1 18 (2) For a second or subsequent conviction,
1 19 ~~the person is guilty of a class "D" felony. The~~
1 20 sentencing order shall provide that the person submit
1 21 to psychological evaluation and treatment according
1 22 to terms required by the court. The costs of the
1 23 psychological evaluation and treatment shall be paid
1 24 by the person.>
1 25 #2. Title page, line 1, after <involving> by
1 26 inserting <the maintenance of animals and crops
1 27 including those maintained at>
1 28 #3. By renumbering as necessary.

MATT McCOY
SF431.1256 (1) 84
da/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3122

PAG LIN

1 1 Amend Senate File 431 as follows:
1 2 #1. Page 10, after line 28 by inserting:
1 3 <Sec. _____. Section 717B.1, Code 2011, is amended by
1 4 adding the following new subsections:
1 5 NEW SUBSECTION. 2A. "Animal shelter" means the
1 6 same as defined in section 162.2.
1 7 NEW SUBSECTION. 3A. "Commercial establishment"
1 8 means the same as defined in section 162.2.
1 9 NEW SUBSECTION. 3B. "Department" means the
1 10 department of agriculture and land stewardship.
1 11 Sec. _____. NEW SECTION. 717B.3B Investigative and
1 12 enforcement proceedings.
1 13 The department shall qualify animal shelters to
1 14 provide investigatory services under this section.
1 15 An inspection officer designated by the qualified
1 16 animal shelter shall be appointed by the department as
1 17 an animal warden under chapter 162. The inspection
1 18 officer may inspect the premises of a commercial
1 19 establishment upon the officer's own information or
1 20 upon complaint to determine if there is a violation
1 21 of this chapter. If the inspection officer has
1 22 reasonable cause to believe a violation exists and
1 23 remains uncorrected more than thirty days after
1 24 a written notice of the violation, the inspection
1 25 officer shall file a report with the department and
1 26 the county attorney in the county where the commercial
1 27 establishment is located. The department, the attorney
1 28 general, the county attorney, or the qualified animal
1 29 shelter may bring an action in district court to
1 30 restrain the commercial establishment from continuing
1 31 the violation. A person who fails to comply with the
1 32 court's order within ten days shall be subject to a
1 33 civil penalty of not more than one thousand dollars.
1 34 Civil penalties collected under this section shall be
1 35 deposited in the general fund of the state.>
1 36 #2. Title page, line 1, after <involving> by
1 37 inserting <the maintenance of animals and crops
1 38 including those maintained at commercial establishments
1 39 and>
1 40 #3. By renumbering as necessary.

MATT McCOY
SF431.1261 (5) 84
da/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3123

PAG LIN

1 1 Amend Senate File 431 as follows:
1 2 #1. Page 1, before line 1 by inserting:
1 3 <Section 1. Section 717.1, subsection 2, Code 2011,
1 4 is amended to read as follows:
1 5 2. "Livestock" means an animal belonging to the
1 6 bovine, caprine, ~~equine~~, ovine, or porcine species,
1 7 ostriches, rheas, emus; farm deer as defined in section
1 8 170.1; or poultry.>
1 9 #2. By renumbering as necessary.

MATT McCOY
SF431.1233 (1) 84
da/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3124

PAG LIN

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1 1      Amend Senate File 431 as follows:
1 2 #1.  Page 6, after line 29 by inserting:
1 3      <____.  An animal shelter as defined in section
1 4 162.2.
1 5      _____.  A representative of a nonprofit organization
1 6 present for the purpose of informing the public of an
1 7 illegal activity observed at the animal facility.>
1 8 #2.  By renumbering as necessary.
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MATT McCOY
SF431.1247 (3) 84
da/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3125

PAG LIN

1 1 Amend Senate File 431 as follows:
1 2 #1. Page 1, before line 1 by inserting:
1 3 <Section 1. Section 717.1A, unnumbered paragraph 1,
1 4 Code 2011, is amended to read as follows:
1 5 A person is guilty of livestock abuse if the
1 6 person intentionally injures or destroys livestock
1 7 owned by another person, in any manner, including,
1 8 but not limited to, intentionally doing any of the
1 9 following: administering drugs or poisons to the
1 10 livestock, or disabling the livestock by using a
1 11 firearm or trap. A person guilty of livestock abuse
1 12 commits ~~an aggravated misdemeanor~~ a class "D" felony.
1 13 This section shall not apply to any of the following:>
1 14 #2. By renumbering as necessary.

MATT McCOY
SF431.1236 (1) 84
da/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3126

PAG LIN

1 1 Amend Senate File 431 as follows:
1 2 #1. Page 1, before line 1 by inserting:
1 3 <Section 1. Section 717.1, Code 2011, is amended by
1 4 adding the following new subsection:
1 5 NEW SUBSECTION. 01. "Egg=laying hen" means any
1 6 domesticated chicken, turkey, duck, goose, or guinea
1 7 fowl kept for purposes of egg production.
1 8 Sec. 2. NEW SECTION. 717.3 Confinement of
1 9 egg=laying hens ==== penalty.
1 10 1. In addition, to other applicable provisions of
1 11 this chapter, a person shall not tether or confine
1 12 an egg=laying hen as part of an animal facility as
1 13 provided in chapter 717A, for all or the majority of
1 14 any day, in a manner that prevents such egg=laying
1 15 hen from lying down, standing up, fully extending its
1 16 wings, or turning around freely.
1 17 2. A person who violates this section is guilty of
1 18 a serious misdemeanor.>
1 19 #2. Page 10, after line 28 by inserting:
1 20 <Sec. ____ . EFFECTIVE DATES.
1 21 1. Except as provided in subsection 2, this Act
1 22 takes effect on July 1, 2011.
1 23 2. The sections of this Act amending section 717.1
1 24 and enacting section 717.3 take effect January 1,
1 25 2017.>
1 26 #3. Title page, line 2, by striking <and providing>
1 27 and inserting <providing>
1 28 #4. Title page, line 2, after <remedies> by inserting
1 29 <, and including effective date provisions>
1 30 #5. By renumbering as necessary.

MATT McCOY
SF431.1242 (4) 84
da/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3127

PAG LIN

1 1 Amend Senate File 431 as follows:
1 2 #1. Page 10, after line 28 by inserting:
1 3 <Sec. _____. Section 717B.3, subsection 3, Code 2011,
1 4 is amended to read as follows:
1 5 3. A person who negligently or intentionally
1 6 commits the offense of animal neglect is guilty of a
1 7 ~~simple~~ serious misdemeanor. A person who intentionally
1 8 commits the offense of animal neglect which results in
1 9 serious injury to or the death of an animal is guilty
1 10 of ~~a serious~~ an aggravated misdemeanor.>
1 11 #2. Title page, line 1, after <involving> by
1 12 inserting <the maintenance of animals and crops
1 13 including those maintained at>
1 14 #3. By renumbering as necessary.

MATT McCOY
SF431.1255 (2) 84
da/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3128

PAG LIN

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1 1      Amend Senate File 431 as follows:
1 2 #1.  Page 5, by striking lines 21 and 22 and
1 3 inserting <for the purpose of committing an unlawful
1 4 act.>
1 5 #2.  Page 5, by striking lines 24 and 25 and
1 6 inserting <an application to be employed at the animal
1 7 facility for the purpose of committing an unlawful
1 8 act.>
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MATT McCOY
SF431.1246 (1) 84
da/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3129

PAG LIN

1 1 Amend Senate File 431 as follows:
1 2 #1. Page 1, before line 1 by inserting:
1 3 <Section 1. Section 162.2, Code 2011, is amended by
1 4 adding the following new subsection:
1 5 NEW SUBSECTION. 10A. "Covered dog" means an
1 6 individual belonging to the species of canis lupus
1 7 familiars, or a resultant hybrid, that is more than six
1 8 months old and has its sexual organs intact.
1 9 Sec. 2. NEW SECTION. 162.9B Limits imposed upon
1 10 the number of covered dogs possessed for breeding and
1 11 sale.
1 12 A person shall not have possession of more than
1 13 fifty covered dogs for purposes of breeding the covered
1 14 dogs and selling the offspring produced from the
1 15 covered dogs.>
1 16 #2. Title page, line 1, after <involving> by
1 17 inserting <the maintenance of animals and crops
1 18 including those maintained at commercial establishments
1 19 and>
1 20 #3. By renumbering as necessary.

MATT McCOY
SF431.1263 (1) 84
da/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3130

PAG LIN

1 1 Amend Senate File 431 as follows:
1 2 #1. Page 1, before line 1 by inserting:
1 3 <Section 1. Section 717.2, subsection 2, Code 2011,
1 4 is amended to read as follows:
1 5 2. A person who commits the offense of livestock
1 6 neglect is guilty of a ~~simple~~ serious misdemeanor.
1 7 A person who intentionally commits the offense of
1 8 livestock neglect which results in serious injury
1 9 to or the death of livestock is guilty of a ~~serious~~
~~1 10 an aggravated~~ misdemeanor. ~~However, a person shall~~
~~1 11 not be guilty of more than one offense of livestock~~
~~1 12 neglect punishable as a serious misdemeanor, when~~
~~1 13 care or sustenance is not provided to multiple head of~~
~~1 14 livestock during any period of uninterrupted neglect.>~~
1 15 #2. By renumbering as necessary.

MATT McCOY
SF431.1237 (1) 84
da/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Amendment 3131

PAG LIN

1 1 Amend Senate File 431 as follows:
1 2 #1. Page 10, after line 28 by inserting:
1 3 <Sec. _____. Section 717B.2, unnumbered paragraph 1,
1 4 Code 2011, is amended to read as follows:
1 5 A person is guilty of animal abuse if the person
1 6 intentionally injures, maims, disfigures, or destroys
1 7 an animal owned by another person, in any manner,
1 8 including intentionally poisoning the animal. A person
1 9 guilty of animal abuse is guilty of ~~an aggravated~~
~~1 10 misdemeanor~~ a class "D" felony. This section shall not
1 11 apply to any of the following:>
1 12 #2. Title page, line 1, after <involving> by
1 13 inserting <animals and crops including those maintained
1 14 at>
1 15 #3. By renumbering as necessary.

MATT McCOY
SF431.1250 (2) 84
da/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Concurrent Resolution 10 - Introduced

PAG LIN

SENATE CONCURRENT RESOLUTION NO.

BY BOETTGER, BACON, SMITH, GREINER, CHELGREN, BARTZ,
HOUSER, SEYMOUR, BEHN, JOHNSON, KAPUCIAN, ANDERSON,
BERTRAND, ERNST, HAMERLINCK, HAHN, FEENSTRA, WHITVER,
KETTERING, MCKINLEY, and SORENSON

1 1 A Concurrent Resolution urging the members of the
1 2 Congress of the United States to propose a parental
1 3 rights amendment to the Constitution of the
1 4 United States for submission to the states for
1 5 ratification.

1 6 WHEREAS, the right of parents to direct the
1 7 upbringing and education of their children is a
1 8 fundamental right implicitly protected by the
1 9 Constitution of the United States and the Constitution
1 10 of the State of Iowa; and

1 11 WHEREAS, this nation has historically relied first
1 12 and foremost on parents to meet the real and constant
1 13 needs of children; and

1 14 WHEREAS, the interests of children are best served
1 15 when parents are free to make childrearing decisions
1 16 about education, religion, and other areas of a child's
1 17 life without government interference; and

1 18 WHEREAS, the Supreme Court of the United States
1 19 in *Wisconsin v. Yoder*, 406 U.S. 205 (1972), concluded
1 20 that, "This primary role of the parents in the
1 21 upbringing of their children is now established beyond
1 22 debate as an enduring American tradition"; and

1 23 WHEREAS, however, the Supreme Court of the United
1 24 States in *Troxel v. Granville*, 530 U.S. 57 (2000),
1 25 produced six different opinions on the nature



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

Senate Concurrent Resolution 10 - Introduced continued

2 1 and enforceability of parental rights under the
2 2 Constitution of the United States; and
2 3 WHEREAS, the Troxel decision has created confusion
2 4 and ambiguity about the fundamental nature of parental
2 5 rights in the laws and society of the states of the
2 6 United States; and
2 7 WHEREAS, the United Nations Convention on the Rights
2 8 of the Child has been proposed and may be considered
2 9 for ratification by the United States Senate, and the
2 10 convention's ratification would drastically alter the
2 11 fundamental right of parents in the United States to
2 12 direct the upbringing of their children; and
2 13 WHEREAS, the United Nations convention has already
2 14 been acceded to by 192 nations and has been cited
2 15 by United States courts as "customary international
2 16 law"; and
2 17 WHEREAS, international influence is being exerted
2 18 on the United States Supreme Court, as demonstrated
2 19 in Roper v. Simmons, 543 U.S. 551 (2005), where "the
2 20 Court has referred to the laws of other countries and
2 21 to the international authorities as instructive for
2 22 its interpretation" of the Constitution of the United
2 23 States; and
2 24 WHEREAS, Senator James DeMint of the State of South
2 25 Carolina and Representative Jeff Fortenberry of the
2 26 State of Nebraska have heretofore introduced in the
2 27 United States Congress a proposed amendment to the
2 28 Constitution of the United States to prevent erosion
2 29 of the enduring American tradition of treating the
2 30 following parental rights as fundamental rights:



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

Senate Concurrent Resolution 10 - Introduced continued

3 1 SECTION ONE: The liberty of parents to direct
3 2 the upbringing and education of their children is a
3 3 fundamental right.
3 4 SECTION TWO: Neither the United States nor
3 5 any State shall infringe upon this right without
3 6 demonstrating that its governmental interest as applied
3 7 to the person is of the highest order and not otherwise
3 8 served.
3 9 SECTION THREE: No treaty may be adopted nor
3 10 shall any source of international law be employed to
3 11 supersede, modify, interpret, or apply to the rights
3 12 guaranteed by this article; and
3 13 WHEREAS, proposing and ratifying this amendment
3 14 would add explicit text to the Constitution of the
3 15 United States to protect the rights of parents as they
3 16 are now enjoyed, without requiring substantive change
3 17 to current state or federal laws respecting those
3 18 rights; and
3 19 WHEREAS, enumerating parental rights in the
3 20 Constitution of the United States will preserve
3 21 parental rights from being infringed upon by shifts
3 22 in the ideology of and interpretations by the United
3 23 States Supreme Court; and
3 24 WHEREAS, enumerating parental rights in the
3 25 Constitution of the United States will preserve
3 26 parental rights from being infringed upon by treaty or
3 27 international law; NOW THEREFORE,
3 28 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
3 29 REPRESENTATIVES CONCURRING, That the Iowa General
3 30 Assembly affirms the rights of parents as enumerated



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

Senate Concurrent Resolution 10 - Introduced continued

4 1 in the proposed parental rights amendment to the
4 2 Constitution of the United States, as heretofore
4 3 presented to the Congress of the United States by
4 4 Senator James DeMint of the State of South Carolina
4 5 and Representative Jeff Fortenberry of the State of
4 6 Nebraska, and as described by this resolution; and
4 7 BE IT FURTHER RESOLVED, That the Iowa General
4 8 Assembly urges the members of the United States
4 9 Senate and the United States House of Representatives
4 10 from this state to support the proposed parental
4 11 rights amendment, as described by this resolution, by
4 12 cosponsoring resolutions proposing the amendment in
4 13 their respective chambers; and
4 14 BE IT FURTHER RESOLVED, That the Iowa General
4 15 Assembly urges the members of the Congress of the
4 16 United States to propose the parental rights amendment,
4 17 as described by this resolution, to the states of the
4 18 United States for ratification; and
4 19 BE IT FURTHER RESOLVED, That upon passage of this
4 20 resolution, the Secretary of the Senate shall transmit
4 21 copies of this resolution to the President and members
4 22 of the United States Senate, the Speaker and members
4 23 of the United States House of Representatives, and to
4 24 the clerk of each of the legislative chambers of the
4 25 other states.
LSB 2359XS (9) 84
jp/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate File 507 - Introduced

SENATE FILE
BY DEARDEN

A BILL FOR

1 An Act relating to the natural resources and outdoor recreation
2 trust fund by increasing the sales and use tax rates and
3 including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2505XS (9) 84
da/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate File 507 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.2, subsection 1, unnumbered
1 2 paragraph 1, Code 2011, is amended to read as follows:
1 3 There is imposed a tax of six and three=eighths percent upon
1 4 the sales price of all sales of tangible personal property,
1 5 consisting of goods, wares, or merchandise, sold at retail in
1 6 the state to consumers or users except as otherwise provided
1 7 in this subchapter.
1 8 Sec. 2. Section 423.2, subsection 2, Code 2011, is amended
1 9 to read as follows:
1 10 2. A tax of six and three=eighths percent is imposed upon
1 11 the sales price of the sale or furnishing of gas, electricity,
1 12 water, heat, pay television service, and communication service,
1 13 including the sales price from such sales by any municipal
1 14 corporation or joint water utility furnishing gas, electricity,
1 15 water, heat, pay television service, and communication service
1 16 to the public in its proprietary capacity, except as otherwise
1 17 provided in this subchapter, when sold at retail in the state
1 18 to consumers or users.
1 19 Sec. 3. Section 423.2, subsection 3, Code 2011, is amended
1 20 to read as follows:
1 21 3. A tax of six and three=eighths percent is imposed upon
1 22 the sales price of all sales of tickets or admissions to places
1 23 of amusement, fairs, and athletic events except those of
1 24 elementary and secondary educational institutions. A tax of
1 25 six and three=eighths percent is imposed on the sales price of
1 26 an entry fee or like charge imposed solely for the privilege of
1 27 participating in an activity at a place of amusement, fair, or
1 28 athletic event unless the sales price of tickets or admissions
1 29 charges for observing the same activity are taxable under this
1 30 subchapter. A tax of six and three=eighths percent is imposed
1 31 upon that part of private club membership fees or charges paid
1 32 for the privilege of participating in any athletic sports
1 33 provided club members.
1 34 Sec. 4. Section 423.2, subsection 4, paragraph a, Code 2011,
1 35 is amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate File 507 - Introduced continued

2 1 a. A tax of six and three=eighths percent is imposed upon
2 2 the sales price derived from the operation of all forms of
2 3 amusement devices and games of skill, games of chance, raffles,
2 4 and bingo games as defined in chapter 99B, and card game
2 5 tournaments conducted under section 99B.7B, that are operated
2 6 or conducted within the state, the tax to be collected from
2 7 the operator in the same manner as for the collection of taxes
2 8 upon the sales price of tickets or admission as provided in
2 9 this section. Nothing in this subsection shall legalize any
2 10 games of skill or chance or slot=operated devices which are now
2 11 prohibited by law.

2 12 Sec. 5. Section 423.2, subsection 5, Code 2011, is amended
2 13 to read as follows:

2 14 5. There is imposed a tax of six and three=eighths percent
2 15 upon the sales price from the furnishing of services as defined
2 16 in section 423.1.

2 17 Sec. 6. Section 423.2, subsection 7, paragraph a,
2 18 unnumbered paragraph 1, Code 2011, is amended to read as
2 19 follows:

2 20 A tax of six and three=eighths percent is imposed upon the
2 21 sales price from the sales, furnishing, or service of solid
2 22 waste collection and disposal service.

2 23 Sec. 7. Section 423.2, subsection 8, paragraph a, Code 2011,
2 24 is amended to read as follows:

2 25 a. A tax of six and three=eighths percent is imposed on
2 26 the sales price from sales of bundled transactions. For the
2 27 purposes of this subsection, a "bundled transaction" is the
2 28 retail sale of two or more distinct and identifiable products,
2 29 except real property and services to real property, which
2 30 are sold for one nonitemized price. A "bundled transaction"
2 31 does not include the sale of any products in which the sales
2 32 price varies, or is negotiable, based on the selection by the
2 33 purchaser of the products included in the transaction.

2 34 Sec. 8. Section 423.2, subsection 9, Code 2011, is amended
2 35 to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate File 507 - Introduced continued

3 1 9. A tax of six and three=eighths percent is imposed upon
3 2 the sales price from any mobile telecommunications service
3 3 which this state is allowed to tax by the provisions of
3 4 the federal Mobile Telecommunications Sourcing Act, Pub. L.
3 5 No. 106=252, 4 U.S.C. { 116 et seq. For purposes of this
3 6 subsection, taxes on mobile telecommunications service, as
3 7 defined under the federal Mobile Telecommunications Sourcing
3 8 Act that are deemed to be provided by the customer's home
3 9 service provider, shall be paid to the taxing jurisdiction
3 10 whose territorial limits encompass the customer's place of
3 11 primary use, regardless of where the mobile telecommunications
3 12 service originates, terminates, or passes through and
3 13 shall in all other respects be taxed in conformity with
3 14 the federal Mobile Telecommunications Sourcing Act. All
3 15 other provisions of the federal Mobile Telecommunications
3 16 Sourcing Act are adopted by the state of Iowa and incorporated
3 17 into this subsection by reference. With respect to mobile
3 18 telecommunications service under the federal Mobile
3 19 Telecommunications Sourcing Act, the director shall, if
3 20 requested, enter into agreements consistent with the provisions
3 21 of the federal Act.

3 22 Sec. 9. Section 423.2, subsection 11, Code 2011, is amended
3 23 by adding the following new paragraph:

3 24 NEW PARAGRAPH. c. Subsequent to the deposit into the
3 25 general fund of the state, the department shall transfer
3 26 revenues equal to an amount generated by a tax of three=eighths
3 27 of one percent imposed on the sale of tangible personal
3 28 property and enumerated services as provided in this section to
3 29 the natural resources and outdoor recreation trust fund created
3 30 in section 461.31.

3 31 Sec. 10. Section 423.2, subsection 13, Code 2011, is amended
3 32 to read as follows:

3 33 13. The sales tax rate of six and three=eighths percent is
3 34 reduced to five and three=eighths percent on January 1, 2030.

3 35 Sec. 11. Section 423.5, unnumbered paragraph 1, Code 2011,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate File 507 - Introduced continued

4 1 is amended to read as follows:

4 2 Except as provided in subsection 3, an excise tax at the
4 3 rate of six and three=eighths percent of the purchase price or
4 4 installed purchase price is imposed on the following:

4 5 Sec. 12. Section 423.5, subsection 9, Code 2011, is amended
4 6 to read as follows:

4 7 9. The use tax rate of six percent is reduced to five and
4 8 three=eighths percent on January 1, 2030.

4 9 Sec. 13. Section 423.43, subsection 1, Code 2011, is amended
4 10 by adding the following new paragraph:

4 11 NEW PARAGRAPH. c. Subsequent to the deposit into the
4 12 general fund of the state, the department shall transfer
4 13 revenues equal to an amount generated by a tax of three=eighths
4 14 of one percent imposed on the use of property and enumerated
4 15 services as provided in section 423.5 to the natural resources
4 16 and outdoor recreation trust fund created in section 461.31.

4 17 Sec. 14. PURPOSE. The purpose of this Act is to provide
4 18 for the implementation of Article VII, section 10, of the
4 19 Constitution of the State of Iowa by fully funding the natural
4 20 resources and outdoor recreation trust fund as created in
4 21 section 461.31, pursuant to Article VII, section 10, of the
4 22 Constitution of the State of Iowa.

4 23 Sec. 15. EMERGENCY RULES. The department of revenue shall
4 24 adopt emergency rules under section 17A.4, subsection 3, and
4 25 section 17A.5, subsection 2, paragraph "b", to implement
4 26 the provisions of this Act. The rules shall be effective
4 27 immediately upon filing with the administrative rules
4 28 coordinator unless a later date is specified in the rules, but
4 29 not later than July 1, 2011. Any rules adopted in accordance
4 30 with this section shall also be published as a notice of
4 31 intended action as provided in section 17A.4.

4 32 Sec. 16. EFFECTIVE DATE. The following provision or
4 33 provisions of this Act take effect:

4 34 1. Except as provided in subsection 2, this Act takes effect
4 35 on July 1, 2011.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

Senate File 507 - Introduced continued

5 1 2. The section of this Act requiring the department of
5 2 revenue to adopt emergency rules, being deemed of immediate
5 3 importance, takes effect upon enactment.

5 4 EXPLANATION

5 5 This bill relates to the sales tax imposed on the sale of
5 6 tangible personal property and the furnishing of enumerated
5 7 services and to an amendment to the Constitution of the State
5 8 of Iowa ratified on November 2, 2010, dedicating a portion of
5 9 state revenue for purposes of benefiting natural resources,
5 10 outdoor recreation, and soil conservation (Article VII, section
5 11 10).

5 12 The constitutional amendment creates a natural resources
5 13 and outdoor recreation trust fund within the state treasury.
5 14 The fund and allocations from the fund are codified in Code
5 15 chapter 461. Moneys in the fund cannot be used for any purpose
5 16 other than protecting and enhancing water quality and natural
5 17 areas in this state including parks, trails, and fish and
5 18 wildlife habitat, and conserving agricultural soils in this
5 19 state. No revenue is credited to the fund until the sales tax
5 20 rate is increased. Whenever the rate is increased, the amount
5 21 generated by the increase is credited to the fund, but the
5 22 amount credited cannot exceed the amount that a rate of 3/8 of
5 23 1 percent would generate.

5 24 Currently, the tax on sales and services in Iowa is imposed
5 25 at the rate of 6 percent. This bill provides for an increase in
5 26 the rate to 6 and 3/8 percent.

5 27 The bill provides for the same increase to the use tax
5 28 in order to comply with the streamlined sales and use tax
5 29 agreement of which Iowa is a party. The revenues generated
5 30 are deposited into the general fund of the state before being
5 31 transferred to the natural resources and outdoor recreation
5 32 trust fund. The increase does not affect those use taxes
5 33 deposited into other statutory funds, including the road use
5 34 tax fund.

5 35 The bill requires that revenues generated by the sales tax



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

Senate File 507 - Introduced continued

6 1 increase also be deposited in the general fund of the state
6 2 before being transferred to the natural resources and outdoor
6 3 recreation trust fund.
6 4 The bill takes effect on July 1, 2011, except for a provision
6 5 requiring the department of revenue to adopt emergency rules
6 6 which takes effect upon enactment.

LSB 2505XS (9) 84

da/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Resolution 8 - Introduced

PAG LIN

SENATE RESOLUTION NO.

BY SODDERS and DOTZLER

1 1 A Resolution supporting the Republic of China on Taiwan
1 2 as a part of the global community.

1 3 WHEREAS, the Republic of China (Taiwan) as the
1 4 world's 19th largest economy has achieved economic
1 5 and social stability and in the last two decades has
1 6 been lauded as a beacon of democracy for Asia, has
1 7 dramatically improved its record on human rights, and
1 8 has taken great steps forward to enter the world arena
1 9 as a trusted partner; and

1 10 WHEREAS, Taiwan's absence from international
1 11 organizations has impeded Taiwan's ability to
1 12 participate in global climate initiatives and to
1 13 respond to natural disasters like Typhoon Morakot,
1 14 which struck Taiwan in the summer of 2009, an unusually
1 15 destructive typhoon season in the Pacific; and

1 16 WHEREAS, the Taiwan government is grateful for
1 17 the assistance and condolences of the international
1 18 community in the wake of Typhoon Morakot in 2009, as
1 19 dozens of international organizations and nations
1 20 stepped up to help, including the United States, which
1 21 supplied military equipment for rescue and recovery
1 22 operations, the European Union, Japan, and the Chinese
1 23 mainland; and

1 24 WHEREAS, aviation safety has become a major global
1 25 concern since 2001, and Taiwan is a key air transport
1 26 hub in the Asia-Pacific region, with over 1.35 million
1 27 flights passing through the Taipei Flight Information
1 28 Region, and with the world's 15th-largest airport by



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

Senate Resolution 8 - Introduced continued

2 1 cargo volume, Taoyuan International Airport; and
2 2 WHEREAS, the Taiwan government has undertaken a
2 3 policy of "flexible diplomacy" in its international
2 4 relations and a pragmatic approach to China, having
2 5 completed a number of cross-strait liberalization
2 6 measures, including regular, direct passenger
2 7 flights between mainland China and Taiwan and other
2 8 goodwill measures, resulting in reciprocal gestures
2 9 and rapprochement between Taipei and Beijing; NOW
2 10 THEREFORE,
2 11 BE IT RESOLVED BY THE SENATE, That the Senate
2 12 affirms its support for the participation of Taiwan
2 13 in the United Nations Framework Convention on Climate
2 14 Change (UNFCCC) and the International Civil Aviation
2 15 Organization (ICAO) to increase Taiwan's international
2 16 space and contribution to the global community; and
2 17 BE IT FURTHER RESOLVED, That the Secretary of
2 18 the Senate is hereby directed to send a copy of this
2 19 Resolution to Hillary Clinton, Secretary of State of
2 20 the United States; Executive Secretary Christiana
2 21 Figueres of the UNFCCC; Secretary General Raymond
2 22 Benjamin of the ICAO; and the Taipei Economic and
2 23 Cultural Office in Chicago, Illinois.

LSB 2178SS (1) 84

jr/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Study Bill 1200

SENATE FILE

BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

A BILL FOR

1 An Act relating to assessment of telecommunications company
2 property for purposes of property taxation, and including
3 effective date and retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2725XC (6) 84
md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011

Senate Study Bill 1200 continued

PAG LIN

1 1 Section 1. Section 427A.1, subsection 1, paragraph h, Code
1 2 2011, is amended to read as follows:

1 3 h. Property assessed by the department of revenue pursuant
1 4 to sections 428.24 to 428.29, ~~or chapters 433, chapter 433 if~~
1 5 such property was first assessed for taxation in this state
1 6 before January 1, 1996, or chapters 434, 437, 437A, and 438.

1 7 Sec. 2. Section 427B.17, subsection 5, unnumbered paragraph
1 8 1, Code 2011, is amended to read as follows:

1 9 This section shall not apply to property assessed by the
1 10 department of revenue pursuant to sections 428.24 to 428.29, ~~or~~
1 11 ~~chapters 433, chapter 433 if such property was first assessed~~
1 12 for taxation in this state before January 1, 1996, or chapters
1 13 434, 437, 437A, and 438, and such property shall not receive
1 14 the benefits of this section.

1 15 Sec. 3. Section 433.4, Code 2011, is amended to read as
1 16 follows:

1 17 433.4 Assessment.

1 18 1. The director of revenue shall on or before October 31
1 19 each year, proceed to find the actual value of the property
1 20 of these companies in this state, taking into consideration
1 21 the information obtained from the statements required, and any
1 22 further information the director can obtain, ~~using the same as~~
1 23 ~~a means for determining the actual cash value of the property~~
1 24 ~~of these companies within this state.~~

1 25 2. ~~The~~ For property of a company that was first assessed
1 26 for taxation in this state before January 1, 1996, the director
1 27 shall ~~also~~ take into consideration the information described
1 28 in subsection 1 and the valuation of all property of these
1 29 companies, including franchises and the use of the property
1 30 in connection with lines outside the state, and making these
1 31 deductions as may be necessary on account of extra value
1 32 of property outside the state as compared with the value
1 33 of property in the state, in order that the actual cash
1 34 value of the property of the company within this state may
1 35 be ascertained. The assessment shall include all property



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

Senate Study Bill 1200 continued

2 1 of every kind and character whatsoever, real, personal, or
2 2 mixed, used by the companies in the transaction of telegraph
2 3 and telephone business; and the property so included in the
2 4 assessment shall not be taxed in any other manner than as
2 5 provided in this chapter.

2 6 3. For property of a company that was first assessed
2 7 for taxation in this state on or after January 1, 1996, the
2 8 director shall determine the value of the property of these
2 9 companies within this state in the same manner as all other
2 10 property assessed as commercial property by the local assessor
2 11 under chapters 427, 427A, 427B, 428, and 441.

2 12 4. Property valued under this section that is not otherwise
2 13 exempt shall be valued at an amount no greater than the cost
2 14 of such property, reduced by accounting depreciation and
2 15 by any appropriate adjustments for functional and economic
2 16 obsolescence, and in determining said values the director shall
2 17 not use any minimum amount or percentage of original cost as
2 18 the base or minimum value for any item or class of property,
2 19 regardless of whether the property is still in service.

2 20 Sec. 4. Section 476.1D, subsection 10, unnumbered paragraph
2 21 2, Code 2011, is amended by striking the unnumbered paragraph.

2 22 Sec. 5. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
2 23 APPLICABILITY. This Act, being deemed of immediate importance,
2 24 takes effect upon enactment and applies retroactively to
2 25 January 1, 2011, for assessment years beginning on or after
2 26 that date.

2 27 EXPLANATION

2 28 This bill relates to the manner in which telecommunications
2 29 company property is taxed.

2 30 The assessment provisions of Code section 433.4
2 31 currently provide that in ascertaining the actual value of
2 32 telecommunications company property the director of revenue
2 33 shall include all property of every kind and character
2 34 whatsoever, real, personal, or mixed, used by the company in
2 35 the transaction of telegraph and telephone business.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
March 16, 2011**

Senate Study Bill 1200 continued

3 1 Under the bill, property of a telecommunications company
3 2 that was first assessed for taxation before January 1, 1996,
3 3 continues to be taxed in the manner provided under current Code
3 4 section 433.4. However, the bill modifies the Code section to
3 5 provide that the value of a company's property that was first
3 6 assessed for taxation on or after January 1, 1996, shall be
3 7 determined in the same manner as all other property assessed as
3 8 commercial property by the local assessor.

3 9 The bill also provides that telecommunications company
3 10 property, regardless of the date it was first assessed, that
3 11 is not otherwise exempt shall be valued at an amount no
3 12 greater than the cost of the property reduced by accounting
3 13 depreciation with appropriate adjustments for functional and
3 14 economic obsolescence, and that in determining the value the
3 15 director shall not use any minimum amount or percentage of
3 16 original cost as the base or minimum value for any item or
3 17 class of property, regardless of whether the property is still
3 18 in service.

3 19 The bill provides that telecommunications company property
3 20 that was first assessed for taxation on or after January 1,
3 21 1996, and classified as machinery used in manufacturing,
3 22 and computers and related equipment, currently not subject
3 23 to special valuation provisions conferring property tax
3 24 exempt status, shall be made subject to those provisions and
3 25 considered either exempt from property taxation or valued at 0
3 26 percent of their net acquisition cost.

3 27 The bill takes effect upon enactment and applies
3 28 retroactively to assessment years beginning on or after January
3 29 1, 2011.

LSB 2725XC (6) 84
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